



THE
HISTORY OF CANADA.

BY
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VOL. V.
[1763-1775.]
[WITH MAPS.]

TORONTO, DOMINION OF CANADA:
ROWSELL & HUTCHISON.

LONDON :
KEGAN PAUL, TRENCH, TRÜBNER & CO.,
CHARING CROSS ROAD.
1892.

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"WITNESS" PRINTING HOUSE,
MONTREAL.

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CANADA UNDER BRITISH RULE.

Ἄλλα μὲν καλά γε καὶ δίκαιον, καὶ θεῖον καὶ ἡδιον τῶν ἀγαθῶν μᾶλλον ἢ τῶν κακῶν
μεμνῆσθαι.

Xenophon's Anabasis V., 8, 26.

But indeed it is excellent, and just, and holy, and pleasurable to remember
those things which are good, rather than those which are evil.

* PREFACE TO THE FIFTH VOLUME.

In the present volume I commence the history of "British rule in Canada;" and it is my intention to continue it until the 11th of February, 1841, the date of the union of the two provinces established by the Canada Act of 1791 [31 George III., chap. 31].

As half a century has since elapsed, it may be affirmed that the passions and partisanship, then actively felt, are no longer to be recognised in the form which gave them strength; consequently, that the events of that time can be temperately considered without calling forth personal ill-feeling, or political rancour. The lines which divided opinion have been swept away, new party combinations have come into prominence, and unforeseen points of difference have arisen; while the principles, formerly so vehemently disputed and discussed, have assumed the formula of accepted truths. There is, accordingly, little risk of awaking the susceptibilities of any present relationship.

This volume contains the narrative of the events which followed the peace of 1763 to the siege of Quebec by the troops of congress in 1775. It, likewise, attempts to examine the influences which contributed to the American Revolution, to some extent a part of Canadian history, the province being brought within its operation; a consideration which, in future volumes, will demand more or less detail of the subsequent events up to the treaty of Versailles. Indeed, much of the history of the northern part of the United States cannot be disengaged from that of Canada.

I have felt it my duty to publish at length several documents which are not accessible to those who do not live in the neighbourhood of established libraries, and do not otherwise possess

the means of reference to them. Some of these documents are now made generally known for the first time. They cannot be objected to, as occupying undue space ; they do not interfere with the narrative ; and they are thus brought within the reach of every class of readers.

It will be my endeavour to complete this part of my history in three additional volumes, to appear annually during the three following years.

W. K.

OTTAWA, CANADA,

127 Stewart Street,

26th January, 1892.

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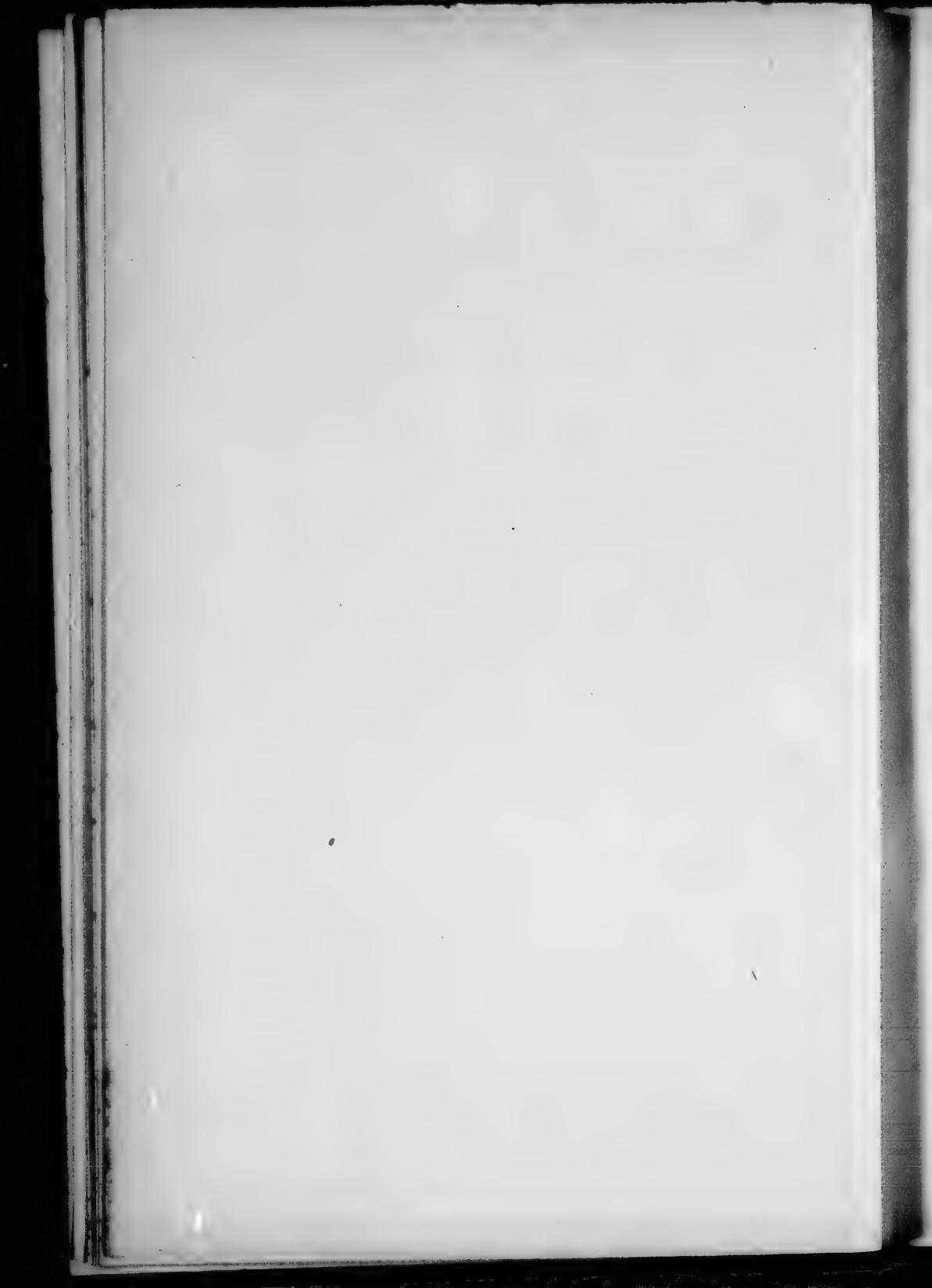
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MAPS.

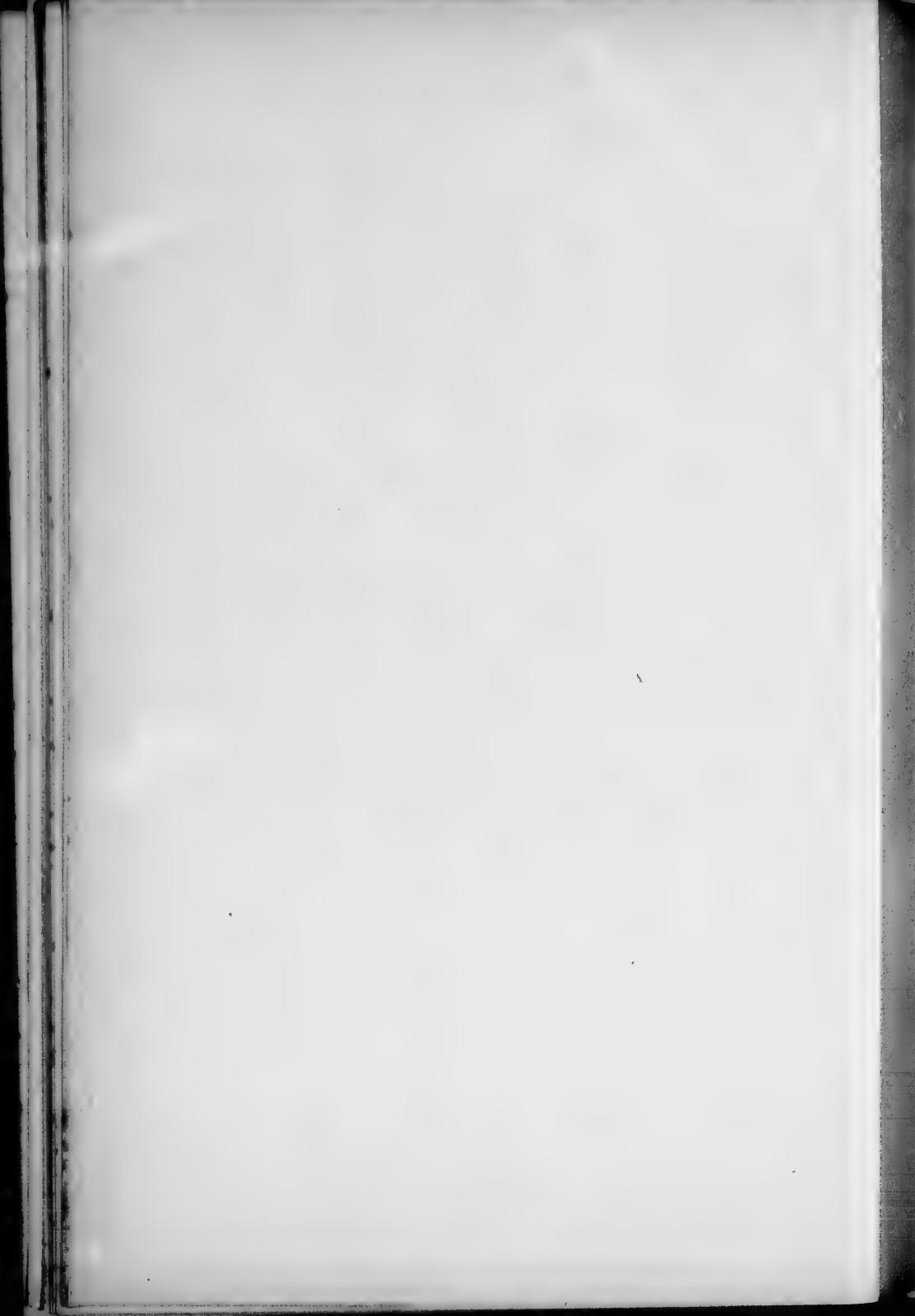
1. SKELETON MAP, SHEWING THE SEVERAL FORTS IN THE WESTERN TERRITORY, 1763, 1764. p. 1.

The reader is likewise referred to this map, for the extent of territory north of the Ohio, transferred to the province of Canada by the Quebec Act; extending from the boundary of Pennsylvania, west of fort Pitt to the Mississippi.

Vide pp. 237, 256.

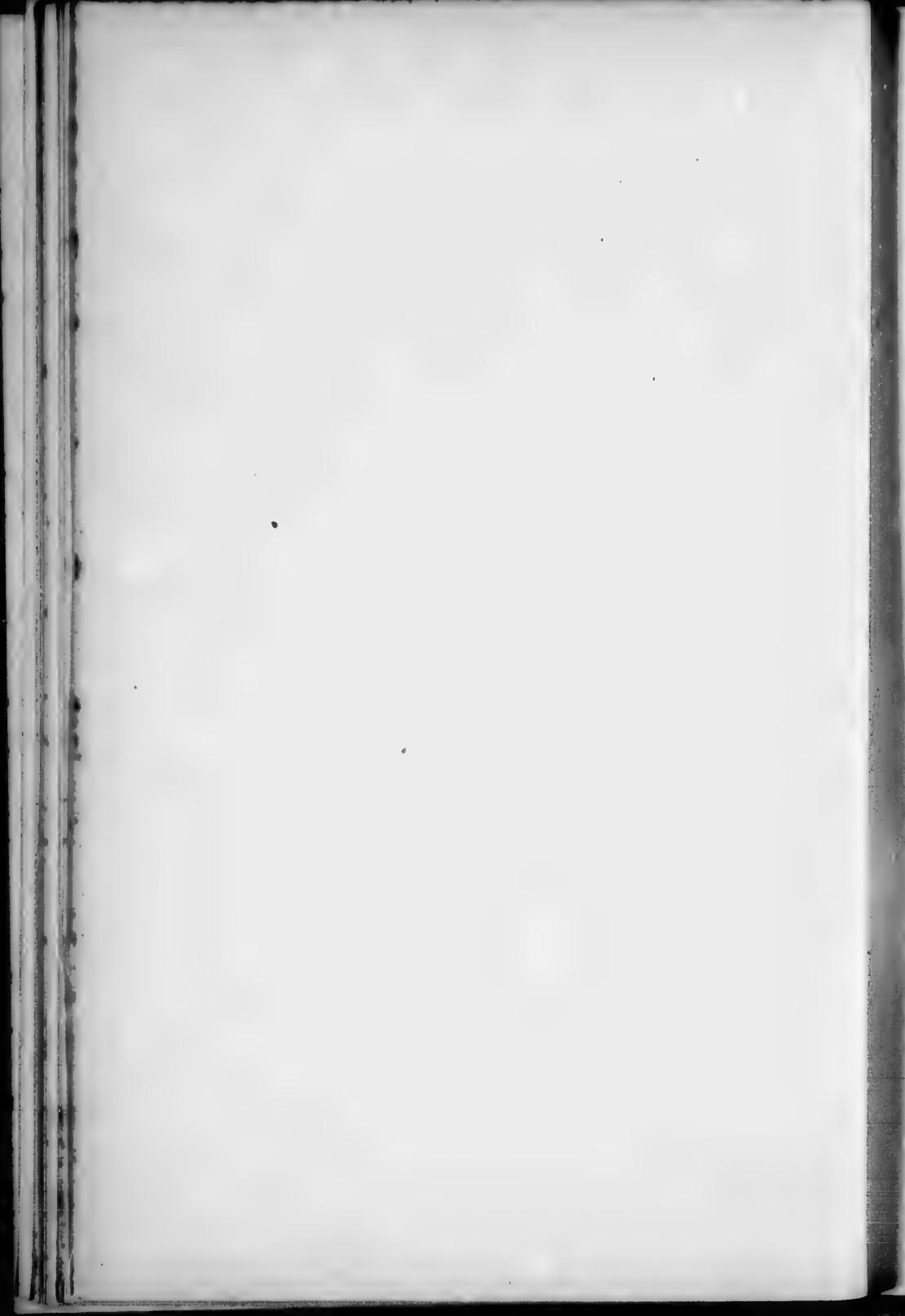
2. SKELETON MAP, SHEWING ROUTE FOLLOWED BY ARNOLD IN HIS EXPEDITION AGAINST QUEBEC; SEPTEMBER, OCTOBER, 1775. p. 476.

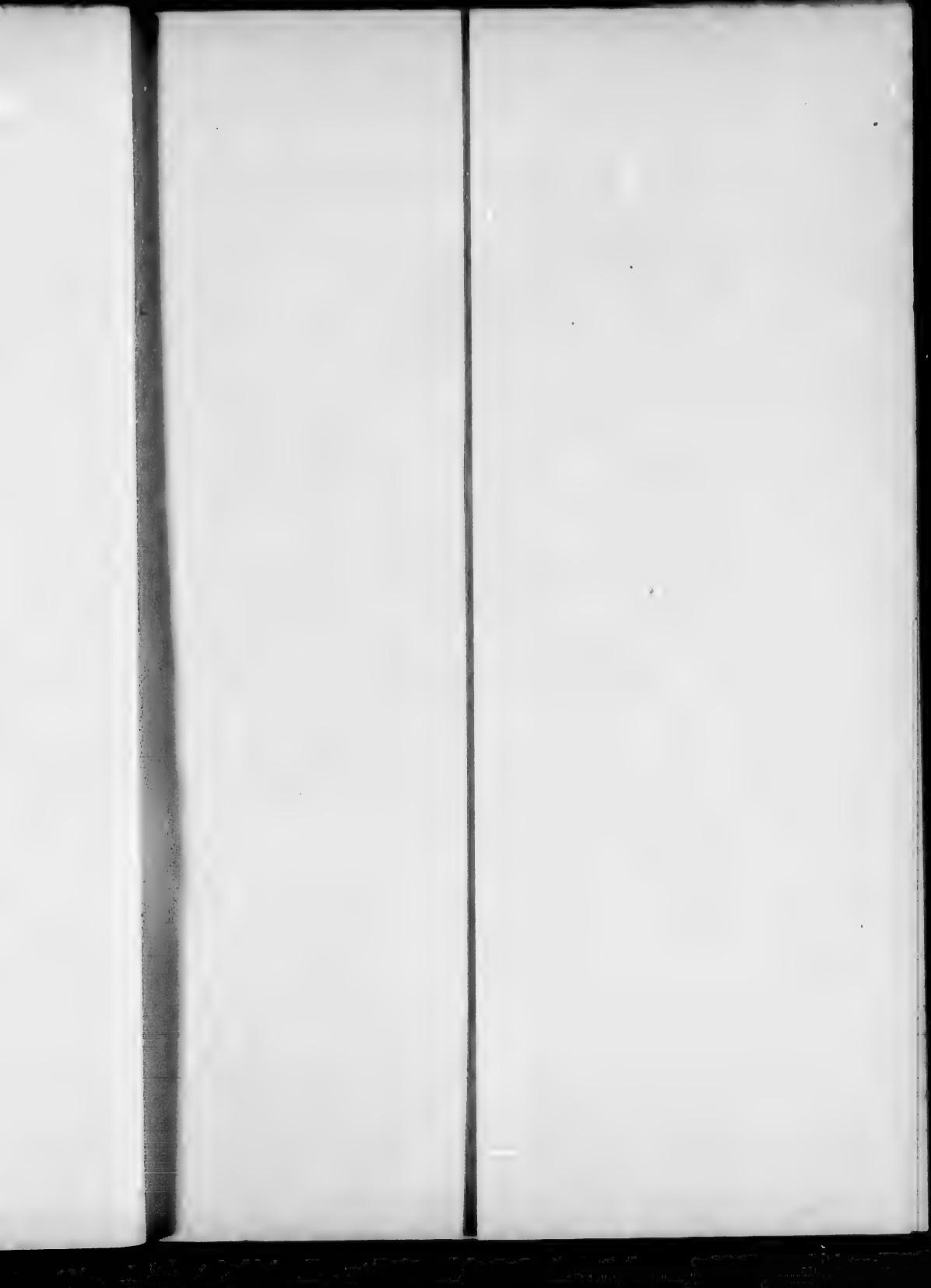
NOTE.—For the attack on Ticonderoga and Crown Point and the operations at the siege of Saint John's [pp. 407-466] the reader is referred to Vol. IV., p. 183: "Skeleton Map shewing the connection of lake Ontario and the river Saint Lawrence with the river Hudson and lake Champlain."



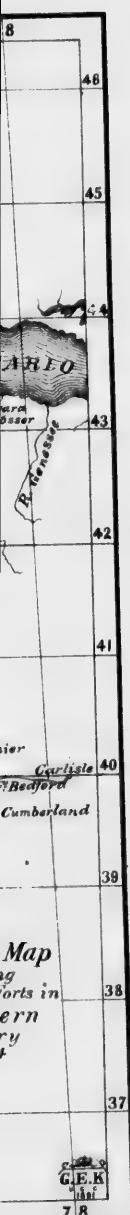
BOOK XV.

THE INDIAN WARS 1763-1764









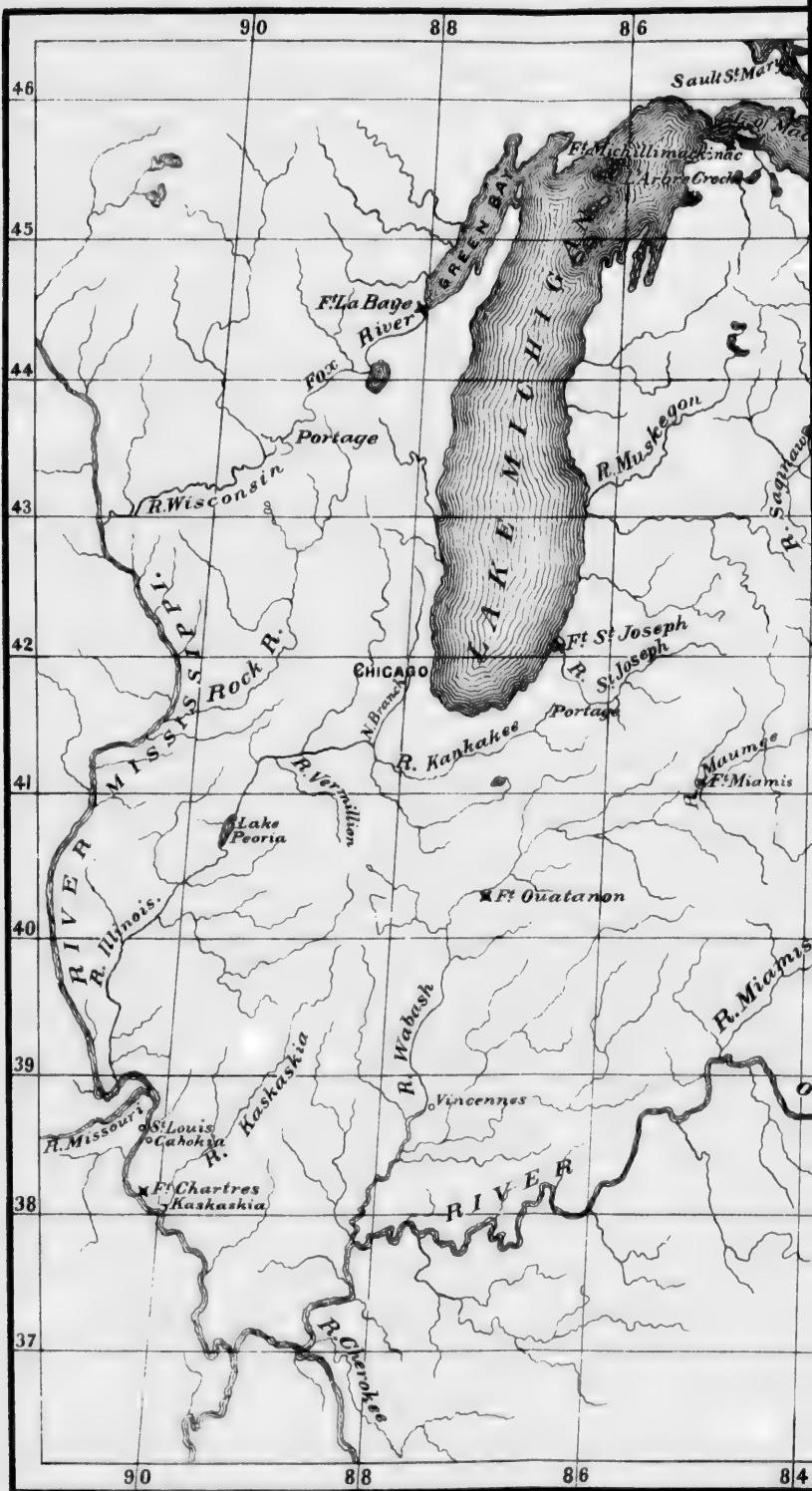
THE HISTORY OF CANADA

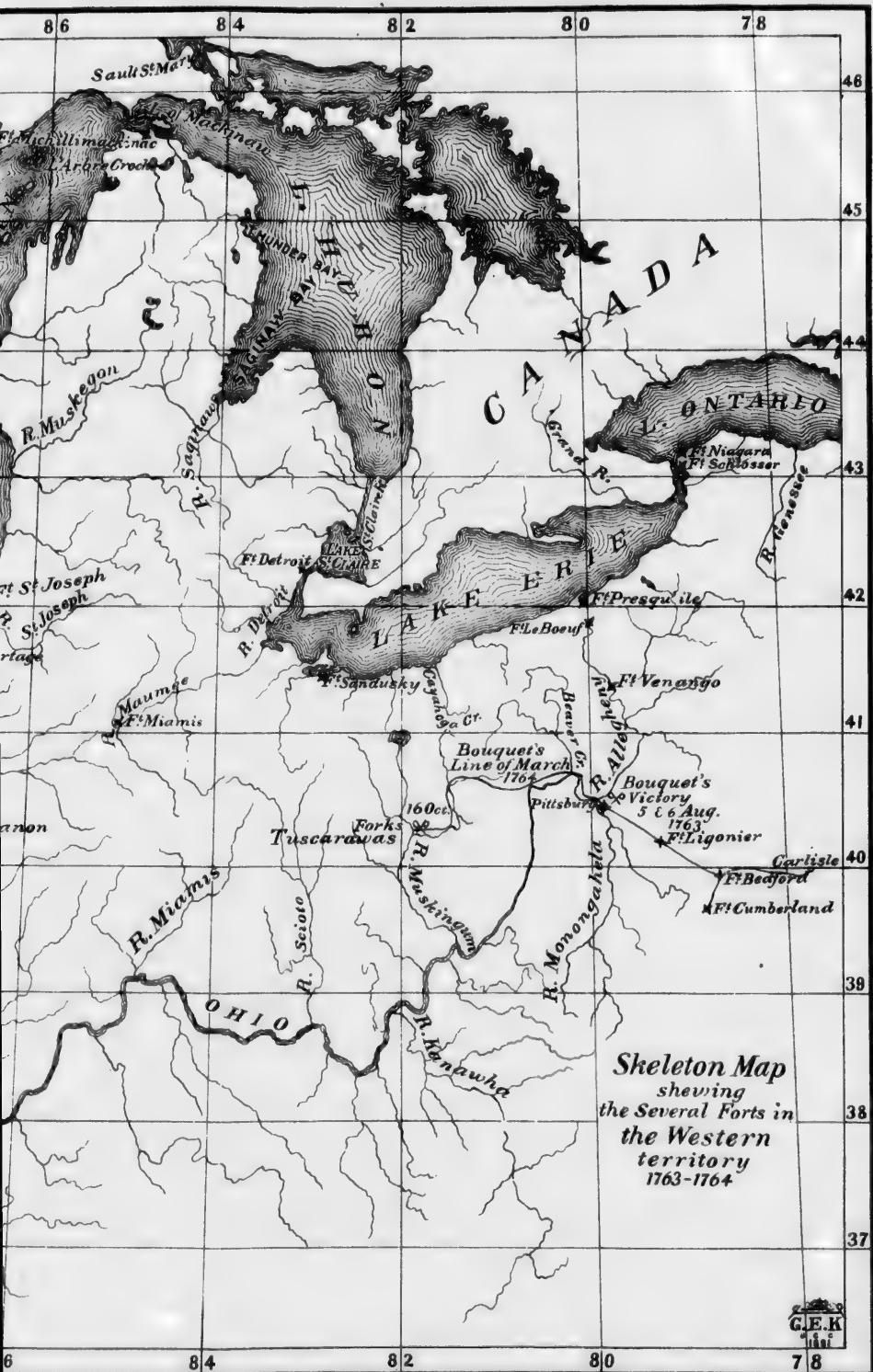
FROM THE EARLIEST DATE OF FRENCH RULE.

CHAPTER I.

The definitive treaty between Great Britain and France, of 1763,* did not confer on North America the peace hoped for ; within three months of its signature, hostilities broke out in a quarter where they were the least expected. As the power of France had been uprooted from the seaboard to the lakes, it was considered that there was no longer inducement or encouragement for the Indian tribes, which in the war had ranged themselves on the side of Canada, to continue their feeling of enmity ; on the contrary, that it would disappear with the influence which had nourished it into being, and that British power would be accepted by them unquestioned. In the cities and settled parts of Canada, many of the new subjects had hoped and believed, that at the peace, the colony would be restored to France ; but as time advanced during the years from 1759 to 1762, when Canada was held as a conquered country, this feeling became much modified. The considerate treatment which the new subjects received, generally gained their confidence, certainly their respect. Their religious faith was professed without interference ; their habits and customs remained unmodified ; civil differences were adjusted in accordance with the law of the former regime ; while criminal justice was administered according to the merciful procedure of English practice. Population ceased with the island of Montreal. Some slight settlement had been made on Ille

* The treaty was signed the 10th of February. The first attack on Detroit took place on the 9th of May.





Perrot, and at Vaudreuil, but the country remained a wilderness to Detroit. There was not a solitary French Canadian established in what constitutes the present province of Ontario. A wearisome navigation through the Saint Lawrence and lakes, of nearly six hundred miles, formed the highway to the first abode of civilization at Detroit. During the five months of winter, access to it was possible only on snow-shoes. A few hundred souls were gathered here without schools; removed from the world; nursing their prejudices, forming their convictions by their hopes and their material wants; their one occupation the observance of their ceremonial religion, which, while it bestowed consolation, was the limit of their intellectual life. With this segregated small community, the firm conviction still prevailed that in a few months the ancient condition of life would be restored, and France would regain the sovereignty she had only temporarily abandoned.

A chain of forts was constructed on the Saint Lawrence to preserve the communication. The first forts to be met with were William Augustus at the head of the rapids, a few miles east of Ogdensburg, and Oswego, on the south shore of lake Ontario. They were simply military posts, having little relation with the west, although the Albany traders made Oswego their starting point in their expeditions. They contained small garrisons. Oswego had been re-established in 1759, William Augustus, the following year, on that fort being taken by Amherst, in his descent to Montreal. Niagara was of greater importance, being the first post in connection with the lakes, and it formed the basis of supply to the western garrisons. Two secondary forts were in connection with Niagara, one at the foot of the rapids, where Lewiston now stands, one above the falls at fort Schlosser, opposite the mouth of the river Welland [Chippewa creek]. These three forts assured the connection between lakes Ontario and Erie.*

The communication with fort Pitt, at the forks of the Ohio, was maintained by the three forts on the line of waters to the north. Presqu'ile, on the southern shore of lake Erie, was

* Ante, vol. IV., p. 322.

the first of the series; at the end of the portage, fort Le Bœuf was constructed, and Venango stood at the junction of French creek with the Alleghany. It was the route established by the French to maintain a passage from the lakes to the Ohio. To the west on the southern shore of lake Erie, a post had been placed at Sandusky. Fort Miami was situated at the head of the portage of the stream, now known as the river Maumee, which discharges into the southwest angle of that lake: the portage leads to the Wabash, on which fort Outaouais was situated. Further down on this stream was fort Vincennes approximately on the latitude of Saint Louis: according to the memorandum left by Gage, this post was not visited by the British traders.*

Second in importance to Niagara was fort Detroit, on the river flowing from lake Saint Claire to lake Erie, about five miles from the mouth of the former. It had been established on the site it occupied in 1701, by Lamothe Cadillac.† At this date it formed a parallelogram with about half a mile of front, surrounded by a picket fence twenty-five feet high, with a bastion at each corner for light artillery, and a block-house over the main gateway. It contained a range of barracks, some quarters for the officers, a council house and a church. A hundred small houses were included in the *enceinte*. The streets were narrow, but a wide passage immediately within the pickets ran around the whole extent of the fort. On the west of the river, the small white-washed cottages of the Canadians extended nearly to the entrance of lake Saint Claire, about two miles, and for two miles of distance below the fort. On the eastern side, settlement commenced nearly two miles lower down, and was continued for seven miles, skirting it to the lake. The settlement was confined to a single line of dwellings on both banks of the river. Rogers reported the number of souls in 1760 to be about one thousand.

There were no forts on lake Huron. On passing through the straits of Mackinaw, the first to be met was Michillimack-

* Ante, vol. IV., p. 455.

† Ante, vol. II., p. 408.

inac, on the western shore of the present state of Michigan, a post dependent on Detroit, but controlling the secondary posts of Green bay, Saint Joseph and Saint Mary. Its name has been derived from the Indian word for the green turtle, the back of which the island in the straits is said to resemble. It had been established nearly a century. The first attempt at settlement was the mission of St. Ignace, founded by the celebrated Marquette in 1661, after the Sioux had broken up the Huron mission of La Pointe at lake Superior. The mission was subsequently transferred to the southern shore, and became an important centre of the more western fur trade. It is best remembered as the basis of de La Salle's operation in his descent of the Mississippi in 1679, when the arrival of the "Griffon" was an event in its history. The post at the head of Green bay, to the west of lake Michigan, as I have stated, was held as an outpost of Michillimackinac. When Jolliet and Marquette ascended the Fox river to the Mississippi, in 1673, they found a mission established at its head. It was known to the French as *la grande baye*, the term Green bay being a corruption of this name. It was the most western post on these waters in connection with Canada. Fort Saint Joseph stood at the south of lake Michigan, on the eastern shore, at the mouth of the river Saint Joseph. It had been long established, the original post having been constructed by de La Salle. There was no attempt by the British traders to extend their operations further west. Outanon, on the Wabash, held as a post, was geographically to the east, access being obtained to it from the Maumee.

The French still remained in possession on the east of the Mississippi, retaining Vincennes, on the Wabash, and fort Chartres, on the Mississippi. The trade of the former passed to the Ohio, and thence to the Mississippi. It was a stockade fort, situate some sixty leagues up the Wabash, the mouth of that river being sixty leagues from the mouth of the Ohio, garrisoned by twenty soldiers; and some few inhabitants were gathered in the neighbourhood.* Fort Chartres was on the eastern bank

* Can. Arch., A. & W. I., 121, 1, p. 139.

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of the Mississippi, ninety miles north of the mouth of the Ohio, and was the central point of the French operations. Settlement commenced at the village of Kaskaskia, on the tributary of the Mississippi of that name, falling into the main stream some six miles to the south. This village, the most important of the Illinois country, was situated chiefly on the left bank of the stream. A fort, on a height commanding the town, had been constructed on the opposite side. Within a mile and a half was an Indian village of the Illinois; a tribe described as lazy and fond of liquor, with a population of about four hundred. Ascending the Mississippi there was a considerable village called Laprairie de Roche. Fort Chartres, on the river bank, was an important structure built of stone capable of containing three hundred men and mounted with twenty cannon. One hundred French inhabitants lived in the neighbourhood. A road ran along the Mississippi at a varying distance, to Cahokia, a point some five miles below the present city of Saint Louis, with about one hundred and twenty inhabitants. Settlement was not commenced at the present site of Saint Louis until 1763. In August of that year Pierre Laclede, whose operations were conducted from New Orleans, built a store house on the western bank of the river. Previous to this date the trade had been confined to the eastern bank. Four hundred negro servants are reported to have been domiciled in the locality. The inhabitants lived in tolerable comfort, and they are spoken of as making good wine from the wild grape, also excellent beer, and as producing much maple sugar. In case of emergency, they could turn out one thousand armed men, but the population was for the most part in movement, fluctuating between New Orleans and the Illinois. All of these places were founded by Frenchmen or their descendants from New Orleans. After the Indian peace of 1765, the majority, with the Indians in the neighbourhood, passed over to the western bank to remain under Spanish rule. They have little connection with Canadian history. The only ground for mention of them, and it is sufficiently serious, is their continual intrigues in inciting the Indians to attack the

British garrisons, supplying them with ammunition, awaking their fears, exciting their jealousy, and urging them to be mischievous. When these intrigues were foiled, and fort Chartres became a British garrison, the settlers at Cahokia crossed the river, carrying with them all their property even to the frames of their houses. Chouteau, another Frenchman, obtained some prominence with Laclede, in the establishment of the new locality, which in one hundred and thirty years has been developed to the populous city of Saint Louis.

These settlements, apparently so inconsiderable, effected during a short period, important consequences, and caused a great destruction of life and property. It was from the primary impulse communicated by these few traders, in connection with those of New Orleans, interested in keeping matters as they were, that the Indians were excited to hostility against the British. In modern times Pontiac, the Ottawa chief, has been named as the originator of the war which, commencing in 1763, was only terminated in the autumn of the following year. In the correspondence of the date, his name appears in prominence as a chief of remarkable ability, and as possessing qualities not ordinarily found in the Indian. There, is however, no evidence to establish him as the central figure organizing this hostile feeling, having as its primary object, the extirpation of the white race in the Indian country. Indeed, the whole movement is traceable to French traders on the Mississippi, and to their attempt to divert the fur trade of the lakes to the Mississippi, and thence to New Orleans, so that it would be retained in French hands. The first step to the consummation of this policy was to destroy the garrisons which offered protection to the trader, so that the danger of conducting any enterprise from Philadelphia, Albany and Montreal, would lead to its discontinuance. To attain this end it was necessary to set in a flame the tribes of the west, to lead them to act in unison, and declare undying war against the white men in possession of Canada.

Reports of an uneasy feeling pervading the Indians, from time to time, reached Amherst in New York, as if it foreboded

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trouble and disaffection, but he could not entertain the idea that there was serious danger. He believed that any hostile Indian demonstration could be easily repressed. He clung to this view till events came so rapidly upon him that he awoke to the full danger of the situation. In August 1762 sir William Johnson had addressed the lords of trade on the distrust of the Indians, stirred up by the French, who had persuaded them that the British had resolved on their extirpation, adducing as a proof of this design the occupation of the old forts and the creation of new posts.*

During 1761 Johnson had held a conference with the Ottawa confederacy at Detroit, and to a great extent succeeded in removing their prejudices; at the same time liberally making them gifts. It was this principle on which the French constantly acted, and the Indians had grown to look upon these gratuities as payment for permission to occupy the posts. On the conclusion of the war the doctrine of economy led to the withdrawal of these attentions, for in such light the gifts had to be regarded; and the Indians began to look upon the friendship of the British as of little account, since they could reap no benefit from it. Johnson stated the case in a few words. "The too general opinion which has lately prevailed that they [the Indians] were an Enemy of very little power or consequence, & not worth our attention, occasioned their being treated throughout the Country with a neglect which never fails being resented by them." †

The Six Nations generally continued their attachment to the British, but even they became involved in the common hostility. The villages of the Senecas were on the extreme

* "Your Lordships may please to observe by my letter before mentioned, that I therein represented the jealousy which the Indians in general entertained of the increasing power of the English thro' the insinuations of French Missionaries & others who had persuaded them that we proposed their entire Extirpation, to which they in a great measure give credit, from our occupying some old posts & erecting new ones thro'out their Country, the necessity of which they could not discover since the reduction of Canada, unless they were to promote the design which they suspected was in agitation." N.Y. Doc., VII., p. 525.

† N.Y. Doc., VII., p. 526.

west of these tribes near Niagara, and they had constantly received presents from the French. They were still ministered to by zealous missionaries, a relationship which, joined to the fact of the neglect they were experiencing, confirmed their devotion to the ancient alliance and led to their participation in the prevailing discontent. One assurance was particularly enforced by those attempting to influence them, that Canada would never be abandoned by France ; and these tribes were confidently told that in a few months, a French army and fleet would be in the Saint Lawrence to retake the country.

As no effort was made on the part of the British authorities to satisfy the Indian mind, and no presents were given to conciliate it, the western tribes became more impulsive to the belief in the danger which, the French traders declared, was threatening them. Indeed, at Albany and New York there was an entire misconception of the situation. The representations of Johnson as to the Indian power of mischief fell upon deaf ears ; and although that able man made every possible exertion to remove the discontent of the tribes, not possessing means to make the presents he desired to offer, he was unable to dissipate the feeling of dissatisfaction and unfriendliness. On his part there was no misapprehension as to the source of the evil. He knew perfectly the extent which Indian jealousy and hate could be appealed to, likewise that it was not simply the missionary and trader who were active in encouraging the outbreak. After the news of the attack on Detroit, he reported to the lords of trade that he was well informed that "the Mississaugas and Chippewas had been greatly encouraged by officers sent among them from the governor of New Orleans."

The Ottawas, and even the Six Nations, regarded the territory on which they were domiciled as their own property ; they looked upon the posts established by the French as concessions made by themselves for their own convenience, the more so, as they were kept in good humour by continual presents. On the Ohio the Shawnees and Delawares were unfriendly to the British. Their previous friendship had been

entirely transferred to the French, and they recollect the part they had played in 1759, when, led by French officers, they had desolated the Pennsylvanian frontier. During this period several of their number had been killed. The spirit of Indian revenge had kept the memory of these events alive; and if these tribes could be brought to act in unison with the more northern confederacy, they would bring formidable strength to the cause. At this date Johnson reported that the Six Nation confederacy was four thousand in number, and the Ottawas and Chippewas were also about four thousand. Owing to the general character of the Indian outbreak, and the long and persistent attack on Detroit, during which the garrison was cut off from the outer world, the name of the Ottawa chief, Pontiac, has obtained great prominence. Years afterwards stories concerning him were told by men in their old age, who, as boys and youths, were then living in Detroit, which, in my judgment, have given a fictitious importance to his character. Undoubtedly he obtained the sympathy of the many French Canadians established on the Detroit river, by whom the surrender of the fort by de Bellaitre had been witnessed with grief.*

Pontiac does not appear in any way in history until the

* Writers of authority have traced to Pontiac's genius, activity and influence, the consummation of the union of the western tribes with those of the lakes in 1763, in the attempt to expel the British from the forts held by them. It is customary to speak of those dark days as the "Conspiracy of Pontiac." I cannot accept the belief that they can be assigned to any other cause but French inspiration, this remarkable man being one of its instruments. The theory, that with the view of furthering the interests of his race, and dreading that it would disappear before the advance of the British, he formed the policy of destroying every white man present in the territory as a soldier, or trader, is in my humble judgment not only inadmissible, but contradicted by evidence. The impression, once made upon the Indian mind of the necessity of such a policy, suggested that terrorism should be enlisted to make the reappearance of the hated race impossible. Pontiac was simply a man produced by the influences amid which he lived, and his was not the mind which formulated the character they assumed. As the complications increased, he came into prominence from his energy of purpose and undoubted ability, and to some extent he may have moulded the direction of the events in which he took so prominent a part. I refer to the official records of this date in support of my view.

siege of Detroit in 1763. He was met by Rogers at Cayahoga river, the present Cleveland, in Ohio, on the night of the 17th of November, 1760, when Rogers was proceeding to take possession of fort Detroit, after the capitulation of Montreal. There was nothing remarkable in the meeting. A party of Ottawa Indians, who had arrived at Detroit, came to the camp, when Rogers explained to them that Canada had capitulated to the British, and invited some of their chiefs to be present at the surrender of the French garrison. They replied in the Indian fashion that they would meet him in the morning. Rogers was not the man to be surprised, indeed he had little to fear, for his force consisted of two hundred men ; nevertheless he remained on his guard during the night. In the morning the Ottawas appeared, when they informed him that they would send some of their younger men, the elder remaining to hunt for their wives and children. Rogers gave them a belt ; the meeting was perfectly amicable. Owing to the stress of weather, Rogers was unable to leave until the 12th. During the four days he remained the Ottawas plentifully supplied the detachment with wild turkeys and venison, for which payment was made. The meeting was entirely uneventful, and only calls for mention on account of the statement that at this early date Pontiac gave indications of his hostility, and from the false impression entertained concerning it. Pontiac's name is not mentioned in the narrative.*

* I am aware that a different account of this meeting has been given by Rogers, and its acceptance has led to the view from which I dissent. There are two works published under Rogers' name. I use this expression, for it may be doubted if either was actually written by him. We learn from sir William Johnson [N.Y. Doc., VII., p. 989] that "as he (Rogers) is a very illiterate man he found it necessary to engage some person to do business for him," and we are told that Johnson knew him "since 1755, when, finding him an active man, I raised him to the Rank of a provincial Officer." His first work, "Journals of the several Excursions he made under the Generals who commanded in America during the late war, London, 1765," is the one followed in the text [pp. 187-188.] It is undoubtedly a work of value, and is, to all appearance, what it represents to be, based on his notes taken at the date of the events he records, and is generally borne out by official documents. The second book, "A concise history of North America," of the same year, is evidently a bookseller's venture and is worthless. Written after Pontiac's name had obtained some notoriety, forgetting the

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Independently of the enmity of the Indians, the Canadian settlers of Detroit were, for the most part, strongly disaffected to the new government. After hostilities at Detroit had commenced, major Gladwin, the officer in command, placed on record his estimate of those by whom he was surrounded.* After two months of siege, he had learned to distinguish friend from foe. The *habitants* of Detroit aided the traders in the dissemination of the false report, that a French army and fleet were looked for in the Saint Lawrence, and that a force would arrive from the Illinois. Gladwin described these traders as from Montreal; the probability is that they were from the Mississippi. When Gladwin received news of the peace, and made it public by proclamation in the hope of quieting the feeling of those showing hostility, he was met by a deliberate contradiction. It was stated that the news was false, and an invention to keep the Indians quiet by awakening their fears.

The Canadian *voyageurs* to the west of Detroit were equally

sober and natural account of the interview in his journal, Rogers represents his meeting with Pontiac in a totally different light. It is impossible that any such event could have happened. The account given of Indian life is mythical to the extent of being ridiculous, an assertion easy to establish by reference to any contemporary writer. One sentence is sufficient to prove the valueless character of this volume. "The Indians on the lakes are generally at peace one with another, having a wide, extended, fruitful country, in their possession. They are formed into a sort of empire, and the emperor is elected from the eldest tribe, which is the Ottawas, some of whom inhabit near our fort, at Detroit, but are mostly further westward towards the Mississippi. Pontiack is their present king or emperor, who has certainly the largest empire and greatest authority of any Indian chief that has appeared on the continent since our acquaintance with it. He puts on an air of majesty and princely grandeur, and is greatly honoured and revered by his subjects. He not long since formed a design of uniting all the Indian nations together under his authority, but miscarried in the attempt."

* The second account of the meeting with Pontiac is to be found on pp. 241-245. The only explanation of its extravagance is, that it is the work of one who knew nothing of what he was writing.

* 8th July, 1763. Can. Arch., A. & W. I., 98.1, p. 305. "It will Appear ere long that One Half of the Settlement merit a Gibbet, and the Other Half ought to be Decimated. Nevertheless there is some Honest men among them to whom I am Infinitely Obliged; I mean, sir, Monsieur Navarre, the two Babys & my Interpreters, St. Martin & La Bute."

unfriendly. Established in small numbers in the neighbourhood of several of the posts, from time to time roaming through the territory, they readily believed, as their hope suggested, that France would retain possession of Canada. These men were without education beyond the matter of their material requirements, and the observance of the duties enforced by their church ; and as in the case of the Acadians, loyalty to their past nationality was enforced as a religious obligation. Their connection with Montreal was slight, being confined to the spring arrival of stores, and to the departure of the canoes which descended at the close of the navigation ; their world was the forest by which they were surrounded.

The whole of 1761-1762 was given to the development of the plot, the design of which was the destruction of every western post. It was even hoped that Niagara might be surprised by the aid of the Senecas, and that the territory west of lake Ontario would revert to Indian domination. In spite of the cunning with which the movement had been made, it had attracted attention. It has been said that Gladwin was taken by surprise at Detroit ; the contrary is proved by his own letter in April, representing the Indians as ill disposed and expressing great discontent and likely to give trouble.* He also sent intelligence of the report to forts Pitt, Sandusky, and Presqu'ile. It is an act of injustice to this able and good soldier to attribute to him either want of caution or failure to estimate correctly the emergencies he would be called upon to meet. In no respect was he found wanting in the hour of trial. That such was the case may be attributed to the prescience with which he foresaw the shadow which was to fall upon him, in these trying times, steadily advancing. He girded himself with determination to meet the danger, and when the blow fell his resolution obtained, as so often happens, the reward of gallantry and constancy of purpose, that

* Gladwin to Amherst, 20th April, 1763. After reporting the Shawanees and Delawares to be ill disposed, he adds : "They Say we mean to make Slaves of them by Taking so many Posts in the Country, and that they had better Attempt Something now to Recover their liberty than wait until we were better Established." [Can. Arch., A. & W. I., 98.1, p. 79.]

of seeing his arrogant and savage foe humbly sue for peace and forgiveness.

The first act of positive hostility took place on the 9th of May, 1763. Before the expiration of six weeks eight of the secondary forts had been destroyed, the small garrisons killed or made prisoners, the whole western territory in the flame of revolt, and more or less the scene of Indian outrage. At Detroit only, Pontiac came into prominence. The writer of a MS., recording what took place during the attack, to which I consider more weight ought to be given than has been accorded to it,* describes Pontiac as vindictive by nature and easily offended. He had received from major Gladwin some treatment which, having been construed into an insult, had rankled in his mind: accordingly he was more disposed to listen to the promptings of the Mississippi traders. He undoubtedly played an important part before Detroit: with the exception that from time to time he was sending messengers among the other tribes to induce them to join in his enterprise, and foment the enmity to which he tenaciously adhered, I fail to see the evidence that he was the originator and prime mover

* The Pondial MS. is published in English in the Michigan pioneer collections [VIII., 266, 339.] The original is in French and in possession of the Historical Society of Michigan. It is in reality a journal of what took place during the attack, the events being noted day by day until the defeat of Dalyell's attempted surprise. Commencing on the 7th of May it is continued to Sunday, the 31st of July. It may be inferred that the narrative was subsequently expanded from a roughly kept journal. In my humble judgment the relation is worthy of credit, especially as to what happened during the months of the siege. The name of the chief in this narrative is spelt "Pondiak." In the official correspondence he is mentioned both as "Pondiak" and "Pontiac." I follow the latter form as established by Mr. Parkman. I am, however, unable to attach weight to the other narratives given in the "Michigan Pioneer collections," VIII., pp. 341 *et seq.* Mrs. Meloche, living in 1824, had just been married in 1763, and was probably fourteen or fifteen. Charles Gouin, seventy-two in 1824, was at the time eleven. Gabriel St. Aubyn was fifteen years old. Parent was a young man of about twenty-one. Peltier was sixteen years old. A Major Thompson Maxwell is given as an authority. The inference is that he was not present during the operations, and his statement may be regarded as a fable. These narratives are in many cases at variance with established facts, and are entirely out of accord with each other. They are otherwise unauthenticated; and I am of opinion little reliance can be placed on any of the statements they contain.

of the organization. His own tribe, the Ottawas, were easily led to the acceptance of his views, but without allies its numbers were unequal to any serious attempt. Pontiac accordingly appealed to the Chippewas; their chief Ninevois fell entirely under his influence. Even with this increase of force, the number only amounted to four hundred: the attempt consequently was made to induce the Hurons to join him. After some hesitation an alliance with a portion of the tribe was effected.

These preparations were succeeded by a general council, held on the 27th of April, 1763, on the river Ecorce, a few miles south of Detroit. This was largely attended. The numbers present suggesting confidence in the undertaking, the resolution was formed, that before the arrival of the spring canoes the fort should be attacked, and that Pontiac should obtain admission on some friendly pretence, to observe its strength and weakness. The garrison, under the command of major Gladwin, of the 80th regiment, consisted of about 120 men of all ranks, of the 39th regiment: some forty fur traders, with their attendants, remained within the enclosure, almost all of whom were French Canadians.

Major Henry Gladwin had seen much service. He had arrived in Braddock's expedition in 1755; his name appears in the list of wounded of the 48th regiment, in which he served as a lieutenant. He obtained his captaincy in the 80th, and became major of that regiment; he had been present in the expedition of Amherst, of 1760, which ended in the capitulation of Montreal.*

His character is best made known by the record of his gallant defence of the fort he commanded.

On the 1st of May, Pontiac, with forty of his tribe, presented himself at the chief entrance, and asked that he and the chiefs might be permitted to perform their dance as a token of peace and amity; they were admitted. Thirty joined in the

* He afterwards acted as deputy-adjutant-general during the revolutionary war. He died a major-general, at his place at Stubbing, near Chesterfield, in Derby, in 1791.

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dance; the remaining ten roamed through the fort, apparently to gratify their curiosity, in reality to observe any weak point of attack. The dance over, the Indians took their leave.

I have mentioned that towards the end of April, Gladwin had drawn the attention of Amherst to the unsettled condition of Indian feeling. His intelligence must have been received through the loyal portion of the Canadians in the neighbourhood, and he was again indebted to them for more important information. He learned that it was the intention to surprise the fort, and he took every precaution to guard against treachery and simulated friendship: he was resolved at least that he should not be attacked under the mask of Indian ceremony, and that the enemy should find the garrison with arms in their hands. As he himself stated, he was "luckily informed" of the intended surprise,* and he took ample steps to guard against it. He heard from some source, which has not been clearly stated, that the Indians were filing off the tops of the barrels of their muskets, so that they could be concealed under their blankets. The design was, that Pontiac was to demand a council, at which he would attend with sixty warriors similarly armed, and on a given signal they were to shoot down the officers present. The remaining Indians admitted to the barrack yard, not included in the council, on hearing the firing, should attack the soldiers and British traders, but spare the Canadians. The plan had been accepted in a council held after the dance of the 1st of May, at the Pottawattamie village in the neighbourhood. In his address on this occasion, Pontiac complained that their wants were no longer supplied as in the time of the French; that the English had doubled the price of goods and would give no credit; that when anything was asked for the sick, it was refused. It was plain, he added, that the Englishman desired the death of the Indian, and therefore he himself must be destroyed. The belts received from the king of France told them to strike. The French Canadians would not interfere; they had not been made acquainted with the Indian design, for they were without arms. If any French

* Gladwin to Amherst, 14th May, 1763, Can. Arch., A. & W. I., 98.1, 136.

took the part of the English, they should be struck down as the friends they joined. Pontiac informed the council that he had sent belts to the Chippewas of Saginaw, the Ottawas, of Michillimackinac, and of the river la Tranche.*

Major Maxville is responsible for the statement that news of the proposed treachery of Pontiac was brought by a young Ojibeway squaw in the habit of visiting Gladwin's quarters; and that on the afternoon of the sixth she informed him that the Indians were filing down their guns so that they could be concealed. The writer of the MS. states that the information was given by Mahigama, an Ottawa Indian. He also mentions the report that the design was first made known by a Saulteur woman, who was seized by Pontiac's orders, but afterwards released. Mrs. Meloche and Peltier both tell us that an old squaw named Catherine was really the informer. Charles Gouin relates that his father sent a messenger, Jacques Chovin, to Campbell, to acquaint him with Pontiac's treacherous designs. Gabriel St. Aubin says that his mother, cousin to La Butte, the interpreter, gave the information to the latter, who reported it to Gladwin; a statement which appears the most natural. The story of the young Ojibeway squaw, told by Maxwell, is utterly unauthenticated, and in my judgment must be rejected. It has also been said that Gladwin learned Pontiac's design from the Babys. There had been no previous dispute to awaken Indian feeling, no ground of discontent, no demand for a questionable right refused.

On the surface all was peace and confidence. Pontiac had been even ostentatiously demonstrative in his professions of friendship. But his treason had been carefully planned, and his murderous design deliberately conceived. Secrecy had been enforced, but perfect concealment of what was taking place was impossible.

The name of the informant has remained unknown, but whatever the source of the information, Gladwin gave it credence and prepared to meet the emergency. The guards were doubled; the night preceding the anticipated event was

* The present river Thames.

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passed in great anxiety. At daylight the whole garrison was placed under arms ; the stores of the traders were closed, they and their men remaining armed within the picket fence. The fort gates were, however, left open as usual, and the Indians and squaws came in singly or in pairs, as was their custom, and no interference took place with their usual habits. At ten o'clock Pontiac, with fifty warriors, presented himself at the fort. When he had performed his dance of peace on the 1st, he had notified Gladwin that on a future occasion he would pay a formal visit. On entering the gate he saw the whole force on parade, apparently for the purpose of being drilled. Gladwin describes Pontiac as being so surprised that he would scarcely take a seat at the council. The Indians, however, recovered their composure, and Pontiac made a speech, which Gladwin answered calmly, without intimating any suspicion of his bad intentions. Some trifling presents were given to the chiefs, and they left.*

Monday, the 9th of May, was the first of the Rogation days, a Roman Catholic church festival, and all the inhabitants of the settlement attended grand mass. Many of the Indians were present. At its conclusion, Pontiac, attended by a large following of the tribe, endeavoured to enter by the front gate ; he found it closed. He demanded admittance ; he was informed that he, with a few of the chiefs, could come in, but the remainder must remain without. Pontiac turned away with passionate rage and strode towards his followers, many of whom, at some little distance, had remained lying flat upon the ground. They leaped up and ran off, in the words of the report, "yelping like so many devils." They rushed towards a house where an Englishwoman lived with her family ; the inmates were immediately killed and scalped. A former non-commissioned officer, who had established himself on île Cochon, near lake Saint Claire, met the same fate.

* Gladwin gives the total number of Indians present at three hundred. The statement that Gladwin rose from his seat and opened Pontiac's blanket and exposed his musket, is not only not authenticated, but at variance with Gladwin's own statement.

That night the garrison heard that two officers, sir Robert Danvers and lieutenant Robertson, who were engaged in taking soundings at the discharge of lake Saint Claire, above Detroit, in an examination to find the channel, had been seized and murdered.

Early on the dawn of the succeeding morning, the whole force of the Indians surrounded the fort ; placing themselves under cover of the barns and fences, and bushes, they kept up a continual fire. The defenders could see none of the enemy. Some outbuildings, at no great distance, offered them protection ; fortunately for the defence they were set on fire by red hot spikes from the guns, when the spot was abandoned. This attack lasted six hours. None other was repeated with this lengthened pertinacity ; the fort, however, remained blockaded on all sides, subject to periodical fusilades of some hours, and the garrison was cut off from all communication with the east. What cattle Pontiac could find outside the fort, he killed and seized for his use ; and he called upon the inhabitants to furnish him with the provisions he required, with the threat that he would put them to death if refused.

So sudden an attack was not looked for, as no previous event had suggested that it was imminent ; at the same time it had been hoped, that from the uncertain character of the Indian, some accommodation might be obtained temporary in its character, so that Gladwin could receive reinforcements, and sufficiently victual the fort. Accordingly, La Butte the interpreter, was sent to communicate with Pontiac to learn the cause of the attack. He was accompanied by a resident of the fort named Chapoton, and a third person, Jacques Godfroy. Pontiac received them with civility, and led them to believe that he was desirous of settling matters ; but having suspicions of La Butte, on some pretence he requested him to return to the fort with a few chiefs. On their arrival they professed friendship and asked for bread, which was given them, and they left. La Butte, on rejoining Pontiac, heard that the council had been held, and Godfroy and Chapoton informed him that peace had been approved, and the request

made, that the second in command, captain Campbell, should be sent to negotiate it. This demand appeared reasonable enough, for Campbell was very popular with the Indians, and had always shewn them much consideration. Gladwin himself was glad of a respite, as he had provisions for only three weeks, and in the interval he would be enabled to gather in a supply. Such a proposal was therefore welcome, and little misgiving was felt. Captain Campbell, with lieutenant McDougall, started for the Indian village. It was hoped that Campbell's presence would exercise the best influence on those he was to meet. It was afterwards said that some of the Canadians foreboding Pontiac's intended treachery, warned Campbell not to put himself in his power. Campbell, however, felt that it was his duty to proceed, and he firmly believed that he could succeed in quieting Pontiac's enmity. His subsequent unhappy fate was, in no way, thought possible. Gladwin was in the trying position of being without provisions; everything depended on his obtaining them; for had he failed in this attempt, the defence of his post would have been impossible. In a few hours he learned Pontiac's terms: he demanded that the fort should be delivered over to him as de Bellaire had transferred it to Rogers. By this time Gladwin had obtained supplies in the neighborhood, and he was in a condition to refuse compliance. Pontiac, notified that his demand was inadmissible, threw off the mask and retained Campbell and McDougall as prisoners, much to the grief of Gladwin, for he knew the risk involved in their confinement. Amherst testified his approval of all that had taken place, but expressed his fears with regard to the fate of the two officers, in the case of captain Campbell only too truly realized.

The firing was resumed for some hours on the 12th, but Gladwin had now little fear of failing to hold his post. The activity of the Indians was extended to the river. They were able to seize five *bateaux* laden with merchandize, with sixteen half-barrels of powder and some spirits, an increase of supplies to the assailants which suggested a prolongation of the attack. An attempt was made by Gladwin to burn the

Huron village from a sloop, but it did not succeed, and he had to confine his efforts to his own defence. Months of trial were to elapse before peace was restored, but the small garrison remained in good heart and in high spirits. Its greatest dread had been starvation. It had been removed by Gladwin's energy and prudence. The one cause of depression was that the two officers remained prisoners, and their fate caused the gravest apprehensions. The attack of the savages upon the post created no great anxiety with the garrison, for the feeling was certain that assistance in the shape of men and food would be sent. On all sides were apparent the resolution and determination of British troops when under the command of one worthy of the position. There was no fear for the future; the staunch defenders of the post had resolved to defend it to the death. The events of the past few days had proved the mettle of their commander, and it would be well for the record of British gallantry on this continent, if in all instances the generals had been endowed with equal military skill, judgment and self-control. Absence of courage was never the reproach against us in our greatest reverses. When our failures have arisen, they have been attributable to folly, incapacity, reckless indifference and neglect of ordinary precaution. In the time I am entering upon, it will be my painful duty to chronicle, in many instances, their disastrous influence.

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CHAPTER II.

The attack of Detroit on the 9th of May was the first act in the plot for the destruction of the western posts. The news of the event, with the strongest prognostications of success, was immediately sent broadcast to the tribes who were asked to take part in it. Seven days later the post of Sandusky was attacked. It was a block-house, within a picket enclosure, under the command of ensign Paulli, with a few men. On the morning of the 16th of May, he was notified that seven Indians desired to confer with him. Some of them being known to him, four were Hurons and three Ottawas, they were admitted without hesitation. Two of them placed themselves one on each side of Paulli. The pipes were lighted, when suddenly an Indian appeared at the door and raised his hand. It was the signal agreed upon ; Paulli was seized and disarmed. He was forced across the parade ground ; the corpse of the sentry lay at the gateway ; and here and there, were the bodies of the small garrison. The sergeant was killed while planting in his garden. At night Paulli was placed in a canoe and carried to the Indian camp at Detroit, where he was subjected to be beaten by squaws and children and made to dance and sing for their amusement. His doom would probably have been to be burned. Fortunately for himself, he attracted the attention of a squaw, by no means young, who claimed him to supply the place of a dead husband. Paulli accepted the alternative and became an Ottawa warrior. He contrived to inform Gladwin of his position, and finally escaped to the fort.

Fort Saint Joseph was the next to fall ; it stood on the western shore of the present state of Michigan, at the mouth of the river Saint Joseph. It was held by ensign Schlosser and fourteen men. On the morning of the 25th he heard of the arrival

of some Pottawatamies, with the ostensible object of visiting their relations. They sent him word that they would make him a visit to wish him good morning. Shortly afterwards, he was informed by a French trader that the Indians were present with no good intent. Ordering the sergeant to put the men under arms, for the Indians were hanging about the barracks, he went among the French, and was appealing to them for aid when he heard a cry. Some Indians had rushed upon the sentry, and tomahawked him ; in less than five minutes eleven men were killed and the fort plundered. Schlosser and the three men remaining were seized as prisoners and taken by the Foxes to Detroit. Schlosser, after some negotiation, had the good fortune to be exchanged for some chiefs who had been seized.

Two days later, on the 27th of June, fort Miami, on the Maumee, experienced a similar fate. This river discharges into a bay at the extreme west angle of lake Erie, no great distance from Sandusky. The fort was situated at the commencement of the portage, to reach the Wabash. Holmes, the officer in charge, had had reason to distrust the Indians. Towards the end of May, a French trader in the neighbourhood had informed him, that when at the mouth of the Detroit river he had heard the firing of cannon, and he believed that the fort had been attacked. Holmes gave orders for his men to remain within the enclosure and to be upon their guard. He had formed some relations with a young squaw, and it was resolved to enlist this Indian Delilah to obtain his death, for Holmes was known for his determination of character, and was feared. His treacherous mistress appealed to him to aid a sick woman ; he was asked to bleed her. Holmes listened to the appeal and left the barracks, having faith in the girl, and no doubt trusting to the mission of mercy on which he was proceeding. As they approached the spot she pointed out the wigwam where the supposed sufferer lay, and on some pretext left him. Not suspecting treason Holmes was advancing to the place indicated, when two guns were discharged, and Holmes fell dead. Three men, who were outside the fort,

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were seized, so that nine only remained within the enclosure. With the Indians who gathered round the picketing, were one Welsh, who had been taken prisoner some days previously, and two Frenchmen named Godfroy and Minishen. Without a leader, threatened with death if an Indian was injured, and called upon by the renegades to surrender, the nine soldiers saw no alternative but to throw open the fort gates, upon which they were seized as prisoners and the fort plundered.

On the day following the attack upon fort Miami, an event took place on lake Erie, which establishes the deliberation with which the designs of the Indians had been matured, and clearly shews that, owing to the careful concealment of them, the outbreak which followed was entirely unlooked for. On the 13th of May, lieutenant Cuyler, of the Queen's Rangers, left fort Schlosser, above the falls, with a detachment of ninety-six men, in ten *bateaux*, having in charge for delivery at the western forts, one hundred and thirty-nine barrels of provisions and ammunition. Coasting along the north shore of lake Erie, he reached point Pelée, which, stretching far out into the lake, had become a recognized stopping place in the passage of the lake. Without any special precaution a landing was made, and a boy and a man were sent out to gather wood for the fires. When so engaged an Indian rushed forward and tomahawked the boy; the man escaped. Cuyler sent out a sergeant and thirteen men to reconnoitre, and placed thirteen on his right flank, twenty-five on the left, twenty-five remaining in the centre. The men on the right flank commenced firing, the Indians returned the fire; but no enemy could be seen. On a sudden a rush was made upon the centre. A large body of Indians had for days been concealed, with the design of intercepting and destroying any crews of boats which might arrive at the stopping place. An attack, at such a place and at this time, was regarded as impossible, for it was a period of peace, and the Indian wars were looked upon as having been closed five years previously. The detachment was entirely taken by

surprise, and Cuyler does not appear to have been an officer to rise superior to the trying situation. The men were seized with panic, and abandoned their position, many throwing away their arms. A rush was made for the boats; five were manned and pushed from the shore. Cuyler describes himself as left with six men on the beach, and failing in his endeavour to get a boat afloat, he rushed into the water up to his neck after those taking flight and was dragged on board. The Indians quickly took possession of two boats, and followed those endeavouring to escape. There was yet time, if the men had held their arms, to have made a determined resistance. Cuyler, in his report, states that the Indians brought back three boats, as if the crew passively allowed themselves to be taken prisoners. During the time, a vigorous fire was kept up from the shore, but Cuyler's boat with another escaped by hoisting sail, the wind being fair.

On Sunday, the 29th of May, at nine o'clock, he reached the island opposite point Pelée. Of the ninety-six men of his detachment forty only were present with one round of ammunition. He started at midnight for Sandusky, and arrived there at five o'clock in the morning to find the fort destroyed. He rowed along the south shore to Presqu'ile, where, at the request of Christie, the officer in command, he left six of his men and four and a half barrels of provisions. In this distressed condition he returned to Niagara. He had started with ten *bateaux*, and a hundred and thirty-nine barrels of stores; he returned with two *bateaux*, and, including those left at Presqu'ile, with thirteen and a half barrels. Amherst expressed himself greatly dissatisfied with the behaviour of the detachment.* The unhappy fate of the prisoners, some fifty in number, has been placed on record.†

On the morning of Monday, the 30th, the sentry at fort Detroit observed the approach of several barges. As the arrival of a convoy with provisions and reinforcements was expected, the spectacle of the coming vessels was generally

* Can. Arch., A. & W. I., 98.1, p. 130.

† Michigan Pioneer Collections, VIII., p. 305. Pontiac MS.

welcomed. The feeling, however, soon passed away, for the death cries which resounded from the banks told the story of the capture of the detachment. As the *bateaux* advanced four soldiers who were in the leading boat, when passing the fort, made an attempt to escape by steering for the wharf. The boats anchored at the wharf fired upon the advancing *bateau*; three Indians on the deck plunged into the river, one of them carrying a soldier overboard with him; both swam to shore. With the aid of assistance from the garrison the men on the *bateau* brought it to land, obtaining their own freedom, and adding some flour and bacon to the stores. The Indians on the *bateaux* following, witnessing this escape, took steps to prevent its repetition by landing the prisoners on the opposite shore, first securely binding them, and marching them to Pontiac's camp. Some few were saved to be kept as slaves; the remainder, stripped naked, were forced to run the gauntlet in the Indian fashion, and afterwards tortured; being shot at by arrows; their hands and feet cut off; their bodies mutilated; women taking a leading part in their destruction. Finally, they were burned, children aiding in bringing and placing the fuel; some were eaten.

This narrative, and there is no reason to doubt its general truth, even if marked by exaggeration, is a proof that the high character claimed for Pontiac cannot be established. He was in all respects a savage in his instincts, led by his passions, his jealousies, and his passing feeling; he can be looked upon in no higher light than the instrument of the French officials and traders. No step could have been more impolitic than this barbarous and useless destruction of the prisoners: cruelty identical with the days of Champlain and the first Jesuit missions. It attained no result beyond gratifying the thirst for blood, and satiating the spirit of revenge. Its teaching to the defenders only emphasized their desperation; for it told them plainly they had nothing to hope for from such enemies; and that it was better, like men, to die with arms in their hands, than, after hours of torture, be consumed at a slow fire by squaws and children. It awoke in the troops the stern

desire for vengeance: and the determination, to resist to the last became as much a matter of interest and policy, as it was one of duty and honour.

On the first of June, the fort of Outanon, on the Wabash, was attacked. Its site was some few miles south of the present town of Lafayette. The small party holding it was under the command of lieutenant Jenkins. He was seized when outside of the fort, and told that if the men defended the place, and one Indian was killed, the whole would be massacred. Without means of defence the few men surrendered. The Indians informed Jenkins that they had been forced to take this course by other tribes. In his report to Gladwin, which he was enabled to send, he states that he had been well treated both by Indians and French, and that he expected to be sent shortly to the Illinois.

The important fort of Michillimackinac was the scene of the next misfortune. Included in the command of Detroit, this post on lake Michigan was the centre of the trade of this district, and the forts of Sault Saint Mary and Green bay were subordinate to it. Green bay, the most western post in these northern waters, was under the command of lieutenant Gorell and seventeen men. The post of Sault Saint Mary, at that date, was not occupied. It had been destroyed by fire the preceding winter, and the detachment stationed there had been moved to Michillimackinac.

The Indians in the neighbourhood of Michillimackinac were the Ojibeways, whose hunting grounds extended over the eastern half of Michigan, and the Ottawas, who held the territory to the west. The former had established a village on the island of Mackinaw and a second village at Thunder bay, lake Huron. The Ottawas had a settlement a few miles to the south, on lake Michigan, at *L'Arbre Croche*, the seat of a mission. The Ottawas, in this locality, were perfectly independent of those under Pontiac at Detroit, and acted as they held expedient. They had been equally influenced by French intrigue, and, with little love for the traders who came among them, had been only kept in subjection by the British garrison north of their village.

The first British trader who, after the conquest, appeared in their neighbourhood, was Alexander Henry. As he was proceeding westwardly he had been warned of the danger he was incurring, and advised to turn back ; nevertheless, assuming the character of a *voyageur*, he continued his journey to Michillimackinac. He arrived there in 1761, and was received in a hostile manner by the French Canadians present, who regarded his presence among them as an intrusion. He was visited by the Ojibeways, with their chief Minavavana. Henry reports the address made to him on the occasion, as it was translated to him. He was told that the Ojibeways were children of the king of France ; although, of late, fallen asleep, he would wake up and entirely destroy his enemies. The French king had engaged them to fight his battles, for the Indians were not a conquered people ; theirs were the lakes and woods. Many of their people had been killed, and the spirits of those slain could only be appeased by the blood of their destroyers, or by covering the bodies of the dead with presents ; for by such means the resentment of their relations would be propitiated. The king of England had entered into no treaty with them ; he had sent them no presents, therefore they were still at war with him, and until he made such concessions they must look upon the king of France as their chief. "But," continued the chief, "you do not come armed with an intention to make war ; you come in peace to trade with us, to supply us with the necessaries of which we are in want. We shall regard you, therefore, as a brother, and you may sleep tranquilly." The calumet was then presented to Henry. They asked for whiskey, and on receiving some presents departed.

The visit of the Ottawas from *L'Arbre Croche* was not so peaceable. Two hundred came in a body, and called upon Henry and two other traders with him, to sell them their goods, for which payment would be made the ensuing spring. The traders resolved upon resistance. Their party consisted of thirty men ; the house was barricaded with the resolution of defending their property. The Canadians of the neighbourhood counselled compliance, but the traders adhered

to their purpose. In a few hours the news arrived that a British detachment was on its way to Michillimackinac, and, as the boats shortly afterwards were seen approaching, the Ottawas took their departure.

The Ottawas, consequently, had no particular cause to regard the garrison with friendliness. Two years, however, passed in quietness. The garrison was under the command of captain Etherington, and some writers have blamed him, because he did not entertain suspicion of the plot forming around him. Reports of native hostility are constantly heard, wherever a population is held in subjection by a dominant race, and often, under an apparent and assumed indifference great caution is exercised. Etherington gives us the impression of having been a man of conciliatory manners, and the protection which he received, after the seizure of his person, suggests that personally he was much esteemed.

I cannot see cause for blame in the course followed by Etherington at the crisis. One of the conditions of the plot was its concealment; nevertheless whisperings of the spirit of unfriendliness had not been infrequent, but no overt act had taken place to suggest that doubt should be entertained of the good feeling of the tribes visiting the fort. From its position as the central point of the trade of the lake, Indians were constantly coming and going, and the behaviour of the new comers was not of a character to cause suspicion. Henry himself tells us, that he thought the reports groundless. Etherington even wrote to Gladwin, commanding the district at Detroit, that all the Indians had arrived, and everything seemed in perfect quietness.*

No news of the attacks on the lower forts had reached Michillimackinac. The Indians, however, knew of these successes, and they were encouraged to proceed with their own plans. The day selected for the assault was the 4th of June, the birthday of George III. Several Ojibeways had lately arrived with a number of Sakis, from Fox river. In the morning some Ojibeway chiefs invited the officers and men of

* 12th June, relating the outbreak, Can. Arch., A. & W. I., 98.1, p. 316.

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the garrison to be present at a game of La Crosse between themselves and the Sakis.

Etherington received them with courtesy, and as he regarded the Ojibeways as friends and neighbours, he told them he would back them in their play.

For some days previously both sides had been engaged assiduously practising as if in training. The match was commenced in the morning, and the soldiers, for the most part, were present on the ground as spectators. The fort gates were wide open, and the squaws, without hindrance, went in and out as usual, huddled up in their blankets. They attracted no attention, no one suspecting that they held, concealed in this dress, the arms of their husbands and brothers engaged in the game. The men were necessarily without any weapon, for the slight clothing which they wore to keep their limbs free, made concealment an impossibility. The men of the garrison were scattered in groups; Etherington, with a lieutenant named Leslie, was standing not far from the front gate. About noon the ball was delivered near the spot where they were watching the game. The players, as if to dispute its possession, rushed forward amid cries of excitement. It was the work of a minute for these shouts of hilarious good nature to be changed into a war whoop. Etherington and Leslie were seized, bound and hurried off to the bush. The players, a second before so peaceable, rushed into the fort, obtained their weapons from the squaws, and "in an instant," the expression is Etherington's, the Indians killed a lieutenant named Janet and fifteen rank and file.

Under such circumstances resistance was not possible; the remainder were made prisoners, five of whom were subsequently killed. The Indians seized the English traders and robbed them of all they had. One was killed, it may be supposed, resisting pillage. No violence was offered to the persons and property of the French. Henry described the number of Indians entering the fort as four hundred, and he tells us the Canadians looked calmly on, as if in no way surprised. His own life was saved with some dramatic incidents; one of the

main instruments was an Indian slave of the class known by the name of "Panis,"* recognized by French law. The woman by her own instincts concealed Henry in a garret of a house, occupied by one Langlade, under a heap of birch bark vessels used in making maple sugar. Henry's clothes were dark in colour, and there was little light in the room. Langlade led up a party to the spot, to discover if any one lay concealed. During the search had one of the Ojibeways put out his hand, he must have touched Henry. As they were seeking for their victim, the Indians boasted to Langlade of the number they had killed and the scalps they had taken. After they had left, exhaustion of feeling led to sleep. Henry awoke refreshed, only to feel the desperation of his position, for the difficulties of his escape seemed insuperable. While considering what might be possible, Madame Langlade appeared to stop a hole in the roof, for it was raining. Although startled at seeing him, she spoke kindly to him; she hoped he would escape, and, at his request, brought him some water. Again Henry fell asleep; he was awakened at sunrise by hearing voices in the room below. It was some Ojibeways, saying that his body could not be found. Subsequently, he heard Madame Langlade tell her husband, that Henry could not be kept in the house, for the Indians would revenge his presence upon her children. Langlade, after some show of hesitation, accepted this view, and himself undertook to lead the Indians upstairs, explaining that Henry had entered the house without his knowledge. As Henry listened to their footsteps ascending the stairs, he felt that his doom was fixed. Rising from the bed on which he had thrown himself, he stood up in the centre of the room in full view. He was seized by an Indian named Wenniway, a powerful man, six feet in height, brandishing a large carving knife. In a few seconds he released his hold, and said that he would not kill Henry, but would keep him to replace his lost

* "Ordonnance au sujet des Nègres, et des sauvages appelés Panis, du 13 avril, 1709. Jacques Baudot, intendant." Documents Historical Society, Montreal, I., p. 5. "Nous, sous le bon plaisir de Sa Majesté, ordonnons, que tous, les Panis, et Nègres qui ont été achetés et qui le seront dans la suite, appartiendront en pleine propriété à ceux, qui les ont achetés comme étant leurs esclaves."

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brother, Musinigon. A proposal was made to remove Henry to the Indian cabin, but as all who were present were mad with liquor, he was permitted to remain where he was.

Shortly afterwards Henry was ordered by an Indian to follow him. This man owed Henry a large sum of money, and it was plain to Henry that it was the design to pay the debt by killing him. The Indian did not conceal his intention. A struggle took place, and Henry, managing to free himself, ran towards the fort, where, seeing Wenniway, he asked his protection. Henry, for safety, was again taken to Langlade's house. During the night he was awakened from his sleep and told to descend to the lower room. He there found Etherington, Leslie, a trader named Bostwick, and father de Jaunay, the Jesuit missionary at the Ottawa village of *L'Arbre Croche*. Few priests have ever been more active in the cause of humanity and mercy ; it was in a great measure owing to the judgment and courage displayed by him, that all the prisoners were not slaughtered. The Indians had determined on a debauch with the liquor they had obtained, and the prisoners had been brought within the enclosure to the houses of Langlade, and of the other Canadians, to assure their protection during the drunken frenzy which would ensue. According to Henry, twenty only of the garrison and British traders had escaped the massacre. Etherington proposed, with these twenty, to seize the fort. There were, within the enclosure, three hundred Canadians, generally *voyageurs*, and he held that it could be defended until assistance could reach them. The priest dissuaded him from any such attempt ; he knew the Canadians would not intervene in any number or with any earnestness, and that failure would end in the death of all taking up arms. Such certainly would have been their fate, for no assistance was possible from Detroit.

Relief came from a quarter where it was least expected, in the form of a flotilla of canoes from the Ottawa village of *L'Arbre Croche*. Drawing their canoes ashore the warriors entered and took possession of the fort ; they felt themselves injured that the attack had been conducted without their

participation, and that they had been allowed no share in the plunder. Their appearance led to an Indian council, at which the Ottawas consented to accept the situation. They retained, however, possession of the two officers and eleven of the soldiers, and carried them in their canoes to *L'Arbre Croche*, where, through the priest's influence, they were kindly treated. At Etherington's request de Jaunay was the bearer of a letter to Gladwin, at Detroit, detailing his situation. It is from this document that the narrative of his position is preserved. De Jaunay arrived at Detroit on the 19th of June,* with seven Ottawa Indians and eight Sauteurs commanded by Kinonchamek, son of the chief. A council was held with Pontiac, and if the account of the MS. be accepted, the Sauteur chief reproached Pontiac with unnecessary cruelty towards his captives, and the latter listened in silence. The interview establishes that Pontiac's influence was confined to the attack on Detroit, and that he directed no movement beyond that in which he was engaged. The deputation departed without any reply from the Detroit chief.

The situation in which Gladwin was placed must have been a matter of surprise, both to the missionary and the Indians who had accompanied him. He had undertaken the journey to obtain assistance to replace Etherington in possession of Michillimackinac; he found Gladwin himself beleaguered and his position one of such danger that de Jaunay was plainly told, that nothing could be done to help Etherington. Gladwin requested de Jaunay to send back all the traders who might arrive at lake Michigan, whether French or English. De Jaunay objected to this course and remarked that it would raise great jealousy among the Indians, to act so with the French traders. This circumstance unfavourably impressed Gladwin,† and confirmed him in his belief that the machina-

* Pontiac S., p. 316.

† "I Conclude that the French are at the Bottom of this Affair, in order to Ruin the British Merchants & Engross the Trade to themselves, as many of them are Stupid Enough to Believe that they will be permitted to Supply the Indians with Everything they want before an Accommodation takes place." Gladwin to Amherst, 3rd July, 1763. Can. Arch., A. & W. I., 98.1, p. 310.

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tions of the French had led to the outbreak, an opinion he expressed to Amherst.

Gladwin learned from the missionary the "immense booty" obtained at Michillimackinac, in which were fifty barrels of powder, information the more unacceptable, as it promised a continuance of the attack. Although there had been no deficiency of supplies among his assailants, and their ammunition had been plentiful, the hope of its exhaustion had always been entertained; it was now to be feared that this supply would be an incentive to greater activity. His own situation became more trying, when he had to admit his inability to aid Etherington; but nothing else could be done, and it only remained for de Jaunay to return to Michillimackinac with the painful news that there was no prospect of relief.

On Etherington's arrival at *L'Arbre Croche*, he had sent by a canoe of Ottawas a letter to Gorell at Green bay, in which he related the attack with its consequences, giving him orders to leave his post immediately with his detachment and the traders present, and to come down to *L'Arbre Croche*, without touching at Michillimackinac, keeping on his guard against surprise. Gorell called a council of the Indians who were around his post, and as they were opposed to the Ojibeways, they consented to accompany him. Attended by ninety warriors of the Menomones, with some Green bay Indians, Gorell arrived at his destination. He and his party were well received by the Ottawas. After several councils, extending over some days, the Ottawas consented that the prisoners, for so the survivors of Michillimackinac could be really considered, should take their departure. They left on the 18th of July; passing by Georgian bay, they ascended French river to lake Ni-pissing, and descended the Ottawa to Montreal, where they arrived on the 13th of August. Gage, then in command, directed that presents should be made to the Ottawas for the assistance they had rendered Etherington and his party.

The only posts which now remained unattacked were the forts connecting lake Erie with fort Pitt. Their days were,

however, numbered. Presqu'ile was the first to fall ; it was garrisoned by ensign Christie, and twenty-four men. Johnson described it as capable of defence with trifling loss against any attack of small arms.* It was assailed on the 15th of June. The few men withdrew to the block-house which was situate on rising ground, within forty yards of two hills, from which the assailants discharged arrows with burning pitch and other combustibles upon the building, with the design of setting it on fire. The attempt was frequently successful, but the flames were fortunately extinguished. As water commenced to fall short, a well was dug in the block-house with great labour. The fight continued until the night of the 16th. Then a voice in French called out that further resistance would be of no avail, for an attempt would be made to burn the block-house, above and below. Christie asked if there was any one present who spoke English. He was answered by a man who had been a soldier, either a deserter or a prisoner, fighting in the ranks of the savages, who notified him that if the defenders then surrendered, their lives would be spared, but, if they continued their resistance, they would be burned alive. Christie asked that he should be allowed until morning to give his reply. When daylight came he formed the opinion that the preparations made would be successful. He therefore surrendered on the condition that the defenders should remain unharmed and be allowed to proceed to the next post. They were, however, made prisoners and taken to Detroit. Christie shortly afterwards had the good fortune to escape. The surrender of Presqu'ile caused great dissatisfaction. Bouquet, who knew well the strength of the post, described the capitulation as shameful, and it was to be hoped that Christie was dead for his own sake.† The opinion seems to have been general that he should have communicated with Niagara, and have defended his post until he was reinforced, the distance by water being about one hundred and forty miles.

* N.Y. Doc., VII., p. 533.

† Can. Arch., A., 12.2, p. 508. Bouquet to Curry, 4th July, 1763.

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The block-house of Le Bœuf was attacked on the 18th of June ; it was situated at the southern end of the portage, where the canoe navigation commenced, on a tributary of the Alleghany, and was held by ensign Price and thirteen men. The Indians succeeded in setting the block-house on fire, and placed themselves before the entrance to shoot down those who came out. In the desperation of their position the inmates escaped by the rear to the woods. The Indians, believing that the men had not left the block-house, continued their fire and remained before the opening. During the night, in their passage to the south, the party failed to keep together. Price, with seven men, reached fort Pitt on the 26th. We have no tidings of the remaining six, and can only hope that they safely escaped.

Nothing is known of the capture of Venango. Gray, one of the detachment at Presqu'ile, who managed to reach fort Pitt, as he passed the spot, found the block-house burned to the ground. No man remained alive to tell the story of its destruction. The report reached Johnson that it had been surprised by the Chenussios, who roamed about the neighbourhood. They killed the few men who held it, with the officer in command, lieutenant Gordon, previously making the latter write down the reasons of the Indian attack as having been caused by the dearness of powder and other articles ; by the feeling that when ill-treated by any of the British, the Indians could obtain no redress ; and it had become plain from the number of posts established that the English intended to take possession of all the Indian country ; they had therefore determined to destroy the white man.

During the period when the destruction of these several forts was being effected, attacks upon the traders proceeding to fort Pitt were of frequent occurrence. Fort Ligonier, on the route from Bedford to the Ohio, was also assailed by parties hanging about its outskirts ; they were, however, beaten off. On the night of the 21st of June, Blaine, the officer in command, reported to Bouquet that a strong party had attacked him and had been repulsed, and that on the follow-

ing morning they killed thirteen cows in the neighbourhood and burned a house.

Fort Pitt was efficiently placed in defence by the officer in command, captain Ecuyer. As the parapet was low and decayed, and exposed to be enfiladed, he restored it by a new structure of logs ; he palisaded the inner area, and even shewed his ingenuity by constructing a fire engine. Such was the confidence he imparted to his small garrison and the settlers established in the neighbourhood, that they made the greatest exertions to obtain his praise.* Ecuyer was not attacked until the 27th of July, and the assault was continued to the 1st of August, when the Indians, learning of Bouquet's approach, abandoned the siege with the design of exterminating Bouquet, for they knew that his object was to reinforce the garrison. Bouquet subsequently described their boldness as scarcely credible. They took post under the banks of both rivers, where they dug rifle pits, and kept up an incessant fire, throwing fire arrows in the hope of burning the barracks. Their efforts did not lead to great disaster, for they succeeded in killing only one of the garrison and in wounding seven.

On the 26th of July previous to the commencement of the attack, a deputation of Delawares waited upon Ecuyer. As the Indian spokesman expressed it, he was present out of friendship and regard to the British garrison, the Delawares having received a belt from the Ottawas at Detroit, to tell them that the Ottawas were coming that way and expected to stop at nothing. In the Indian metaphor they would eat up and seize everything in their path. With this danger threatening the British, he advised Ecuyer with the garrison to go home : they, their wives and children, and leave the place, in order to avoid the harm which otherwise would befall them. Ecuyer's reply was what might have been expected from a British officer : he told them that the forts were of benefit to the Indian. His own post he resolutely refused to abandon ; he had warriors, provisions and ammunition, to defend it for

* A. & W. I., 98.2, p. 383. Bouquet to Amherst, 11th August.

three years against all the Indians in the woods. "We shall never abandon it," he continued, "as long as a white man lives in America. I despise the Ottawas, and am very much surprised at our brothers, the Delawares, for proposing to us to leave this place and go home. This is our home." They had attacked the forts without reason or provocation ; they had murdered and plundered the soldiers and traders and had stolen and destroyed their horses and cattle, while they pretended to be friendly. He threatened them if they appeared before the fort he would blow them to atoms, and he advised them to keep at a distance, for he did not desire to injure them. His speech goaded them to madness, and they resolved upon an immediate attack,* and with all the men they could gather they began to assail the fort.

The success of the Indian attempts, extending, as has been narrated, throughout the entire territory of the western lakes, and the Ohio,† Detroit and fort Pitt alone successfully resisting the assaults, led to the same continuous persevering warfare on the settlers which followed Braddock's disaster. The frontiers of Pennsylvania and Virginia were desolated. Homesteads were burned, those dwelling in them failing to escape were killed and scalped. Prisoners, including young women and children, were carried away as slaves.

* A. & W. L., 98.2, p. 393.

† The forts were attacked at the following dates :—

Detroit.....	9th May, 1763.
Sandusky	16th " "
Fort Saint Joseph, lake Michigan.....	25th " "
Miami, river Maumee.....	27th " "
Cuyler's force surprised at point Pelée, lake Erie	28th " "
Ouiatanon on the Wabash.....	1st June, " "
Michillimackinac, lake Michigan.....	4th " "
Presqu'ile, lake Erie.....	15th " "
Le Beuf, Alleghany creek.....	18th " "
Venango, junction of streams previous to.....	20th " "
Ligonier.....	21st " "
Green Bay (abandoned).....	21st " "
Fort Pitt.....	27th July, "

It can thus be seen that with the exception of fort Pitt, these ten attacks were made within six weeks.

Their fate depended on the whim of the savage, for sex and age often proved no protection. The terrified settlers hurried to the eastern towns for safety; a general terror seized the population, and it was evident that the country was again in one of those crises, when it became the duty of the government actively to put forth every resource at its command, to stay the advance of spoliation and murder.

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CHAPTER III.

Although it had been surmised that the Indians were dissatisfied, and that some movement of disaffection, which boded no good, was in agitation, no such organization for mischief as that I have described was thought possible. As on previous occasions, it was believed that the discontent, after some muttering, would pass away, from the fact that British power was too assured to be resisted. I have mentioned Gladwin's report on the subject.* At the end of March Gladwin had received a letter from Holmes, at fort Miami, that a bloody belt had been sent among the Miamis from the Shawanees. In April Gladwin informed Amherst, that the Shawanees and Delawares were discussing if it would be politic to begin an attack on the British forts now that there was no preparation to meet it.† Amherst wrote to sir William Johnson on the subject, giving his opinion that it was not in the power of the Indians to effect anything of consequence against us. He had scarcely written his letter when he received a report from Ecuyer, that the Indians had massacred two men in the saw-mill near fort Pitt, and had carried off some horses in the neighbourhood; consequently Amherst gathered together what men he could send forward to strengthen the force in the west, placing them under Bouquet's orders. But he still failed to see the urgency of the situation, and such was the opinion of those around him in New York; an opinion it may be said which has continued unchanged in that longitude to this day. For no one of their histories records the danger of the situation of that time, and that the preservation of the then western frontiers from desolation was due to the direct intervention of the mother country in their defence.

* Ante, p. 12.

† 20th March, 1763. Can. Arch., 98.1, p. 80.

Certainly the recognition of the service, performed by the imperial troops in these trying times, bore little part in the refusal to furnish barracks for them on the march, and to participate in the cost of national defence by the paltry contribution of the stamp act. Even as late as the 6th of June Amherst wrote to Bouquet, "I am persuaded this Alarm will end in Nothing more than a rash attempt of what the Senecas have been threatening."

As the news arrived of the destruction of life at the several posts, Amherst awoke to the danger of the situation. By the end of June he understood that "the affair of the Indians was more general than was apprehended." Some companies of light infantry were ordered to march to the west. He had at his disposal only the regiments returned from Cuba, weak in numbers, thinned by casualties and sickness, to enter upon a campaign which called for a powerful force distinguished by strength, determination, and endurance. He was convinced of the true character of the crisis, and that no ordinary exertions were demanded, by learning the application of Gladwin to the commandant at Niagara for reinforcements. He had also received the report from Gladwin of the attack. It was encouraging, from the confidence expressed of the spirit of the garrison, and that the supply of provisions and ammunition would last until the arrival of reinforcements; but it was not possible to be blind to the danger in which the fort was placed.

The relief of Detroit becoming the first consideration, an expedition was organized and placed under the command of captain Dalyell, Amherst's aide-de-camp, a young soldier of reputation and promise. The force, composed of the 55th and 80th regiments, with twenty rangers under Rogers and six artillerymen, numbering 280 men, left fort Schlosser in twenty-two barges, and passing along the south shore of lake Erie, reached Sandusky on the 26th of July. At this place they landed. They found the Wyandot village in the neighbourhood abandoned; the troops consequently pillaged the ripe corn, destroying what they could not bring away. They

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arrived at the river Detroit on the night of the 28th, fortunately during a thick fog. As the outline of the approaching barges became imperfectly visible, the excitement of those observing them was the more intense. There was no positive knowledge that an expedition was to arrive, and it was thought possible that the approaching barges might contain more Indians to strengthen the attacking force. A gun was fired to test the character of the half-seen vessels; it was answered by a cannon shot from the barges. There could no longer be doubt that the hoped for reinforcement was present. Gladwin accordingly embarked in one of the barges at the wharf to meet the expedition. As the *bateaux* passed up stream they were fired upon from the villages of the Hurons and Foxes; a fusilade by which two men were mortally and thirteen slightly wounded.

The troops landed on Friday, the 29th. It was determined on the following day that a sortie should be made. The proposal arose with Dalyell, and he asked as a personal favour that the command should be given to him. Gladwin considered Pontiac too much on his guard to be surprised. Dalyell replied to the objection that it was the only opportunity which would offer to "give him a stroke," for if it was not attempted Pontiac would run off. Gladwin much against his judgment acceded to the request. Pontiac's camp was about two miles and a half distance to the north, at a place then called Parent's creek. Thirty years ago the creek had not been included in the improvements of the locality; it has since been filled up and cannot be identified, although the site is well known and the memory of the night's attack is preserved, under the title then given to it, "Bloody run."*

* I cannot entirely absolve Amherst from responsibility in the matter of this sortie. In his letters he constantly recommends offensive operations; while the conduct of Dalyell, his *aid-de-camp*, so strongly advocating them on this occasion, suggests that he felt bound to act on the opinion of his commanding officer. There is no record beyond the facts themselves to sustain this remark. They however establish that Amherst considered that a merely defensive policy would attain no satisfactory result. We thus learn from Amherst himself, although not in express words, that with the force of Dalyell well and gallantly led, there was an opportunity of giving Pontiac a *coup-de-patte*, from which he could not

About half-past two in the morning of the 31st July, a picked detachment of two hundred and forty-seven troops left the fort and marched along the road two deep. Two boats ascended the river as the troops advanced, to aid in the attack, and in case of emergency to take off the killed and wounded. About a mile from the fort the troops were formed into platoons, and after proceeding about a mile further, the advance guard was fired upon. It was very dark, and the troops by the fire were momentarily thrown into confusion. It was subsequently stated, that some of the parties inside the fort informed friends outside, who communicated the design to Pontiac. The main body returned the fire; almost simultaneously the rear, commanded by Grant, was fired upon from houses about twenty yards from the left. A company was faced in this direction and returned the fire. Dalyell ordered Grant to take possession of the house, which Grant succeeded in doing. Two men were found there, and they gave the information that the Indians had long lain in wait, having been apprized of the intended sortie. They further said that three hundred of Pontiac's force were present, and that the intention was, to cut off the column by getting between it and the fort. An hour later, Dalyell reappeared from the front with Baby and Saint Martin, who were present as volunteers and had acted as guides. He told Grant that the attack had failed, and that the detachment must retire. He ordered Grant with his force to march towards the fort, and take post in an orchard which Baby would point out. After proceeding half a mile shots were fired on Grant's flank; he had then taken post in a well fenced orchard, and while engaged in defending himself from this attack, lieut-recover, so the siege could be raised. Dalyell's character was essentially one to be affected by this opinion; and his high sense of military honour would lead him to request that the post of danger should be assigned to himself. Indeed it is questionable, if an officer who had seen the service of Gladwin, would have permitted his judgment to have been overruled by an argument of less importance, than that in acceding to Dalyell's representations, he was in reality carrying out the policy of the general in command; and there would have been serious responsibility in hesitating to accept it, when to some extent it was authoritatively represented to him.

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tenant McDougall, acting as adjutant-general, arrived to tell him that Dalyell was killed, and Gray had been seriously wounded, when driving the Indians from a breast-work of cord-wood. The command consequently devolved upon Grant. At the same time he was informed by an officer named Bean, that Rogers could not get off unless covered by the boats. Grant detached Paulli with twenty men to drive off a party of the Indians who were annoying his detachment and "gauled those joining him." As Paulli executed this duty, killing several who occupied this position, Grant took possession of the enclosures, barns and fences. His retreat was now secure, and what remained of the force being assembled, he sent word to Rogers to join him. The latter preferred to wait for the boats. The boats accordingly proceeded to his aid, one of which took on board captain Gray and the wounded men. Subsequently it returned to the scene of action, but the enemy did not wait its arrival and retired, so that Grant unmolested continued his retreat, arriving at the fort about eight in the morning. The loss of the detachment of all ranks was 20 killed, 42 wounded, total, 62, of about 247 men, being every fourth man present. *

* Detail of action of 31st July, 1763.

	Killed.	Wounded.
Captains.....	.. 1	.. ..
Lieutenants.....	.. ..	.. 3
Sergeants.....	.. 1	.. ..
Drummer.....	.. ..	.. 1
Rank and File		
35th Regiment	13 ..	28 ..
Royal Americans.....	1 ..	6 ..
80th Regiment.....	2 ..	3 ..
Queen's rangers.....	2 18	1 38
	— —	— —
	20	42

Amherst, in reporting the repulse to lord Egremont, speaks feelingly of Dalyell "as a brave and good officer, who fell in trying to bring off some wounded men." [A. & W. I., 98.2, p. 354.] I do not read this passage as a personal act of Dalyell in rescuing a wounded soldier, but, that when the retreat was determined he resolutely remained to see the wounded removed, himself occupying an exposed position until the duty was effected. I can find no narrative of the circumstances of Dalyell's death given in the detail of this action. It may be inferred that he was made soon to understand that his attack had failed, and he appears to have been killed shortly after the retreat was found necessary.

Although the attack had not attained its object, it was not entirely without effect; the Indians had been so severely handled that they could not interfere with the march back. The small gun-boats were always a source of terror to them, and, moreover, there was now a strong garrison at Detroit. Amherst on receiving the report was exceedingly chagrined; he wrote Gladwin that he would send him formidable reinforcements so that he could take active proceedings. He offered a reward of £100 [N.Y.] to any one who would kill Pontiac, or the chief who had perpetrated the murder of captain Campbell; and he gave instructions to lieutenant Gardiner of the 55th to take no prisoners, but to put all to death who fell into his hands.*

An event had occurred a few weeks previously, to which attention must be paid, so that the harshness of these stern orders may be understood. At the end of June, lieutenant Cuyler, more fortunate than on his first expedition, arrived with fifty men. The strength of the garrison being thus increased, on the 4th of July following, lieutenant Hay with forty men was sent to fetch powder and lead from Baby's, and to destroy an intrenchment which had been thrown up and threatened to cause trouble. The Indians were advised of the sortie and attacked the party; a reinforcement was sent which repulsed the enemy. The latter retreated, leaving three dead upon the ground. It will be remembered that captain Campbell had been retained a prisoner by Pontiac, in violation of every principle of good faith, and even Indian hospitality and justice.† This officer, owing to Pontiac's representations, after the attack of the 9th of May, had proceeded to the Indian camp in order to treat about some terms of accommodation. It had been hoped that his personal popularity with the tribe would lead to a satisfactory arrangement; but whether he succeeded or failed, his mission was that of an ambassador of peace, and it was regarded as a matter of course that he would be permitted to return harmless. Pontiac

* Can. Arch., A. & W. I., 98.1, pp. 339, 341.

† Ante, p. 19.

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treacherously detained him, and took measures that he should be closely guarded. Always a savage, Pontiac had on occasions played the stake of Campbell's life, even placing him in prominence on an attack of boats, to stay the fire of the defenders.

After the repulse on the occasion mentioned, when one of the principal chiefs had been killed, poor Campbell was butchered in revenge for his loss. He was an excellent officer, universally esteemed, and this murderous retribution was the less expected, from the fact that he had constantly shewn great consideration to the Indians. The murder was a merciless, useless act, one of the many proofs of Pontiac's true character.

No active operations after this date were directed against Detroit. Gladwin's one apprehension was that he might fall short of provisions, and in this desperate situation be compelled to abandon his post. His position being well known to Amherst, he could look forward to being reinforced, to become the assailant; above all that he would receive full supplies. The garrison however, continued beleaguered during the months of August and September. The Indians hovered about constantly on the alert, watching every opportunity to harass the defenders and interrupt all communication with the east. The season in the meantime was advancing, to bring to the Indians a warning, that the time had arrived for them to provide against the cold and want of winter: demands which cannot be satisfied by promises or be made less urgent by hope, and supplies from the Illinois were now no longer furnished. Pontiac had likewise to a great extent subsisted on what he could gather in the neighbourhood; but the settlers, whatever their sympathies, unwillingly sacrificed their property. There was this difference between the garrison and Pontiac's force: in the former case payment was made in silver dollars, or if temporarily deferred, was regarded as certain. In the latter, there was only slight probability of any equivalent being obtained for what was taken. The Ottawas had heard also of Bouquet's victory at Edge Hill, which I have here-

after to relate. The thorough defeat of the Delawares and Shawanees could not but have powerfully told its tale. They themselves had found war to be no pastime. Ninety of their best chiefs had fallen, and on no occasion in their contact with the garrison had they come off unscathed ; with winter upon them they were more removed from success than ever. At this crisis news was brought that major Wilkins was leaving fort Niagara with a large and powerful force, which they could not hope to surprise, the object of the expedition being to inflict severe punishment upon them. They knew that in the coming months of cold and privation they must starve, unless they could obtain food by hunting ; their only hope of life now lay in peace, and they determined to apply for it.

Gladwin reports that they did so in the most submissive manner.* He was more disposed to listen to the application as he had scarcely flour enough to last a fortnight, and he had the alternative of entertaining the proposals, or, in the event of supplies not reaching him, of abandoning his post. Nevertheless he betrayed no sign of weakness ; he told the deputation that they had begun the war, not he ; therefore that it was not in his power to make peace. However he did not doubt, if they could convince the British of their sincerity everything would be well again. Hostilities accordingly ceased. Many of the Indians dispersed to their hunting grounds, and Gladwin obtained the flour he was in want of. This proceeding had been hastened by the arrival of a volunteer from fort Chartres, one M. de Quindre, on the 31st of the month, with letters from the governor, dated the 27th of September; one addressed to Gladwin telling him of the peace lately made ; a second to the inhabitants of Detroit, offering them facilities to establish themselves on the Mississippi ; a third was sent to the Indians engaged in the operations against the fort, notifying them that they might look for no more assistance from the Illinois. A special message of the same tenor was sent directly to Pontiac. The letter of the French commandant to the Indians, however cautiously written,

* On the 13th of October. Can. Arch., A. & W. I., 121, 1, p. 7.

shewed the desire for a continuance of their past relations. In bidding them farewell, he asked them to entertain kindly feelings towards such of the French as would continue to remain among them. He was himself going to New Orleans, whence he would discuss with the great chief the means of giving them assistance. The western bank of the Mississippi yet remained in the possession of his government, and would supply the wants of those who would cross the river and establish themselves in the territory.

Pontiac did not join in the proposals of peace made in the middle of October. He waited until the end of the month, when he addressed a letter in French to Gladwin,* shewing to the last the influence under which he had acted. He stated that his father, the French king, had sent him word to make peace; he had accepted the counsel and had instructed his young men to bury their tomahawks; he hoped that Gladwin would forget what was passed, as he would do. He, with the Sauteurs and Hurons, proposed to wait upon him, and he asked that an answer should be sent to them. Pontiac then wished him good day. Gladwin replied that as Pontiac commenced the war, the matter must be referred to the general, as Gladwin was not master, and he would report to the general that Pontiac wished to live in peace. That if he behaved well for the future, and the general was convinced of the fact, all would go well. So soon as he received the answer he would communicate it, and so he wished Pontiac good evening.

Pontiac's submission closed the siege, remarkable from the

* Pontiac's letter establishes his dependence on the French, and that it was owing to the failure to obtain further aid, that he made the proposal for peace. I append the two letters, Pontiac's proposal and Gladwin's reply. [Bouquet papers, 19.2, p. 528.]

"Copie de la lettre addressée à M. le commandeur à Detroit par Pontiac, le 30 oct. 1763."

"Mon Frère. La parole que mon Père m'a envoyée pour faire la Paix, je l'ai acceptée, tous mes jeunes gens ont enterré leurs cassé-têtes. Je pense que tu oublieras les mauvaises choses qui sont passés il y a quelque temps, de même j'oublierai ce que tu peux m'avoir fait pour ne penser que de bonnes. Moi les Saulteurs, les Hurons, nous devons t'aller parler, quand tu nous demanderas.

length of time it continued, from the 9th of May to the middle of October, upwards of five months. It is the only instance of such perseverance in any Indian attack. Pontiac possessed rare qualities, but with the evidence before us, he cannot be held at a higher estimate than as the instrument of French intrigue. The tact of the French officials in the management of the Indian had been consummated by upwards of a century of experience, and with perfect art they had learned to manipulate native susceptibility, with its mixture of pride and vanity. The Indians who had been gathered round Detroit for the time abandoned the river, and were scattered to their hunting grounds. Pontiac departed to his village on the Maumee. The fort was left unmolested, and the months of winter were available for the works to be strengthened and preparations made for future defence. Gladwin had no illusions as to his own position. He knew that if impelled to continue the struggle, the Indians would with little hesitation revert to the attack; but they were without powder, and the only source from whence they could obtain it was from New Orleans, or the French in the Illinois country. None could ascend by the St. Lawrence. The opinion had been forced upon Gladwin, that no lasting peace could be obtained until those Indian nations who had caused the trouble were well chastised, so their fears for the future would be awakened, and they were taught that the price to be paid for their enmity to traders and detached bodies of men, was the destruction of their villages and crops, the certain suffering of their families, and their own personal punishment by death or exile. The one argument to be

Fais nous la réponse. Je t'envoie ce conseil afin que tu les voyes. Si tu es bien comme moi, tu me feras réponse. Je te souhaite le bon jour." PONTIAC.

"REPONSE. J'ai reçu ta lettre de cette date. Si j'avais commencé la guerre j'aurois pu faire la paix, mais comme vous l'avez commencée, il faut que vous attendiez la volonté du général là-dessus. Je ne suis pas maître, mais je marque au General vos dispositions pacifiques à présent et que vs [sic] souhaitiez de vivre en paix. Ainsi si vous vous comportez bien à l'avenir aussitot le general en sera convaincu je ne doute pas que tout ne soit bien quand je recevrai sa Reponse, je vous en ferai part, je te souhaite le bon soir." GLADWIN.

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enforced on them was that of force. The events of the year had established that no real possession of a territory was assured by forts constructed at long distances from each other with weak garrisons. In some cases they even invited aggression. It was essential that the Indians should never again be permitted to be a cause of anxiety ; that they must either be conciliated by the continual presentation of gratuities and gifts, or forcibly restrained by the firm arm of power having strength and organization to rebuke every attempt at the subversion of authority. However, in other respects a beneficial policy might be followed, the Indian mind had to be coerced to the extent of controlling its enmities and awakening its fears. There was no longer doubt as to the system which should be followed, and it was equally felt that no delay should be permitted in its introduction. Whatever the strength of the government, it should be wielded in unison with justice and benevolence ; whatever the extent of generous consideration given to Indian requirements and rights, and it should be unwavering, the determination to repress the first symptom of hostile feeling, should never cease to be apparent.

CHAPTER IV.

Colonel Henry Bouquet has been mentioned as the devoted lieutenant of Forbes in his advance against fort Duquesne in 1758.* Throughout his career in Canada he was distinguished by the highest qualities, and the service performed by him exacts the most honourable mention; not simply from the success which attended it, but from the fact that this success was in no way fortuitous, but entirely attributable to his genius, thoughtfulness, determination, and untiring devotion to duty.

Bouquet was born at Rolle in the canton of Berne in 1719. At an early age he joined the Dutch service, and afterwards passed to that of the king of Sardinia. In 1748 he was a captain in the Swiss guards formed at the Hague, with the rank of lieutenant-colonel, and on the formation of the Royal American regiment, he was with that rank one of the foreign officers who joined it. Endowed with rare ability, of pure personal honour, with a high sense of duty, self-contained and self-reliant, he was the embodiment of Horace's well-known sentence, "*in se ipso totus, teres atque rotundus*"; at the same time he possessed strong and deep feeling. He was firm in resolve, intrepid in danger, fertile in resource; his constancy of purpose, his firm, well-ordered discipline implanting in the hearts of those who served under him full and perfect confidence.

When the news of the taking of the forts in May and June awoke the attention of Amherst to the full significance and extent of the danger, he made active preparations to place fort Pitt in a state of defence. Bouquet, then in command at Philadelphia, was selected to lead the expedition. On entering upon the duty, Bouquet reported to Amherst the

* *Ante*, IV., pp. 195, 211.

general panic in which he found the inhabitants, and that the out-lying farms were being so rapidly abandoned, he feared the frontier would soon be deserted.* Amherst despatched the reinforcements he could command, 242 men of all ranks of the 42nd regiment and 133 of the 77th; at the same time he applied to the governors of New Jersey, New York, Connecticut, Rhode Island, and New Hampshire, for the continuance after the 1st of July of the pay of the provincial troops then on service, when it terminated; assigning as a ground for the application, the necessity of pushing the regulars forward and retaining the provincials in the forts to keep up the communication. He called upon Virginia and Maryland to raise a force to protect their own frontiers, and he impressed on governor Hamilton of Pennsylvania the absolute necessity of sending men in the field, in the real danger in which the province was placed. Hamilton informed him that 90 men would be immediately ordered to fort Augusta on the Susquehanna† to protect the settlers of that locality, and if necessary, more would be despatched. Amherst replied by requesting the legislature to furnish troops for the protection of its territory, adding that the sooner the duty was commenced the better.

New York, New Jersey, and Connecticut, acceded to the demands of Amherst, and prolonged the service of their contingents. Pennsylvania enlisted 700 men; but as Amherst described the proceeding, only with the view of getting in the harvest and defending their own fields, and they were of no account for the general service of the campaign. He sent colonel Robertson, one of the staff, to urge upon the governor of Pennsylvania to place these levies under Amherst's command. Colonel Robertson argued that the Indians could not by any defensive plan be stayed in their desolation of the frontier, and that the only means of gaining a safe and reliable peace was to carry the war into their country, and inflict such chastisement that hereafter they would live under restraint.

* Can. Arch., A. & W. I., 98.1, p. 145.

† Now Sunbury.

The design was to garrison the forts with the provincials, so that the regulars could be sent forward. All was in vain. Robertson further pointed out that it was illegal to raise men independently of the commander-in-chief, and it was a personal affront to him, his actions deserving the confidence of the province. He even went so far as to say that the forts must be abandoned. "I found," wrote Robertson to Amherst, "all my pleading vain, and believe Cicero's would have been so. I never saw any man so determined in the right as these people are in their absurdly wrong resolve." The only arrangement Amherst could obtain from Hamilton was, that 400 men would be kept in the county of Cumberland to cover the western frontier, and 300 would be stationed between the Delaware and Susquehanna. Finally, Amherst told Hamilton that unless the troops were under Bouquet's command they would be useless; and no rations would be given them unless placed under the king's orders. Pennsylvania refused to take any steps to fight the battle of the province against the common enemy. Some farmers and reapers were armed to defend their own lands, but such men could not be called soldiers.

Virginia rose to a higher feeling of duty in the emergency. Between four and five hundred provincial troops were sent to forts Cumberland and Bedford, not only with the design of defending the frontier, but of acting offensively against the Indians. They likewise despatched a force under colonel Lewis to protect the south-west of the province. Amherst in writing to Johnson, spoke with great satisfaction of the conduct of this "public-spirited colony." "What a contrast," he added, "this makes between the conduct of the Pennsylvanians and Virginians, highly to the honour of the latter, and places the former in the most despicable light imaginable."*

Bouquet, although unaided by the province, whose frontier he was marching to defend, actively continued the organization of the regular troops at his disposal. He arrived at Carlisle, ninety-three miles east of Bedford, at the end of

* N.Y. Doc. His., VII., p. 54.

June. He found the population seized with a panic, the inhabitants abandoning their farms, and every tree, he adds, is become an Indian for the terrified inhabitants. He was desirous of moving forward as rapidly as possible, but he was unable to obtain provisions and carriages, and was compelled to send for them to Lancaster. He gathered together all the provisions he could purchase, cattle, sheep and flour, and started for Bedford, where he arrived on the 25th of July. The column was composed of the 42nd Highlanders, 60th Royal Americans, 77th or Montgomery's Highlanders,* and consisted of about 550 men. Bedford is about thirty-five miles north-east of fort Ligonier, which itself is fifty-five miles distant from fort Pitt. He there learned the inefficacy of Amherst's appeal to attach to the expedition the troops raised by the province. On all sides Bouquet met backwardness, even among those most exposed to danger. At Carlisle he was told of the loss of forts Presqu'ile, Le Bœuf and Venango: information of great importance, for the Indians who had attacked these forts were at liberty to swell the number of the assailants of fort Pitt, all of whom could take the field to oppose his advance. He found the roads between Carlisle and Bedford in a terrible condition; the winter had swept away the temporary bridges, so much so that on one occasion it occupied thirty-six hours to advance three miles. One difficulty he had to cope with was, that immediately the highlanders left the main line of road to act as flankers, they lost themselves in the woods. Bouquet accordingly obtained the services of thirty woodsmen to march with the regiment, whose duty it was to prevent the men from straggling. †

In spite of the failure of Pennsylvania to render assistance,

* I beg leave to refer for the topography of Bouquet's victory to the map shewing Forbes' route in 1758. [Vol. IV., p. 196.] The action took place two miles to the south-east of Bushy creek, north of fort Ligonier; the high ground, with the dangerous defiles of which Bouquet speaks, lie at the source of Turtle creek to the north-west.

† Bouquet to Colonel Robertson: "Tho' I find myself utterly abandoned by the very People I am ordered to protect, I shall do my best to save them from Destruction, & should I fail in the attempt, it is a satisfaction to me that nothing

Bouquet started in the best of spirits and with the firm determination of performing his duty. He possessed the self-confidence which, springing from a loyal and earnest nature, is rarely unnerved. He knew the nature of the warfare in which he was engaged; the strength of the force he was commanding, and the undaunted bearing of the troops in the field when the enemy was in their front. He also knew their weakness in the peculiar warfare in which they were engaged. It was his constant effort to provide against the contingencies where this weakness might be felt. No one could be more impressed with the crisis in which he was acting. He felt the greater indignation that Pennsylvania would permit the king's troops to go forward to fight the battles of the province, uncountenanced and unaided by the men, whose lives and fortunes would be painfully affected by his defeat. It is not unusual with a class of United States writers to draw disparaging comparisons between the regular and provincial troops in encounters of this character. In Forbes' expedition in 1758, it was his determination which insisted on the advance that led to the abandonment of fort Duquesne. The most striking action fought with the Indians in the woods according to their own mode of fighting, when they were hopelessly defeated, was won by imperial troops with a few rangers, the whole weight of the action falling upon the 42nd. With the same injustice the loss of the forts in the months of May and June, described in the previous chapter, has been ascribed to the inaptitude of the British soldier for such service. The opinion has frequently been expressed, that no such misfortune could have been experienced if provincial officers had been in charge. Those who follow the narrative of these events will see how this supposi-

has been omitted on the General's side or ours, to obtain that necessary aid which might have left nothing to chance.

I think myself sufficiently strong to execute all my orders without them, but I labour under a great disadvantage for want of men used to the woods, as I cannot send a Highlander out of my sight without running the Risk of losing the man, which exposes me to a surprise from the Skulking Villains I have to deal with.

Camp at Bedford, 26th July, 1763. Can. Arch., A., 4., p. 334.

tion is utterly at variance with fact. On this occasion, his fighting force composed of British soldiers, Bouquet went forward, knowing fully the strength, cunning and courage of the foe before him. It is my duty to relate how efficiently he performed the service entrusted to him, and how complete the victory he achieved.

CHAPTER V.

On the 28th of July Bouquet left Bedford, and reached fort Ligonier on the 2nd of August. The first twenty-five miles of his march were not interfered with ; no enemy was visible, and he could hear of none. There were no tidings of the presence of the Indians ; all that was known was, that the communications with fort Pitt were beset, for the messengers sent out had been killed, or had returned being unable to proceed. With this information, Bouquet determined on meeting the emergency by leaving the waggons, with the powder and stores, at fort Ligonier, and, with three hundred and forty pack-horses, laden with flour, to go forward. The road was well known to him, for he had determined the selection of the route and had carried the point against the opposition of Virginia. Washington had himself protested against its adoption, and it had been persevered in under much comment. Four years previously he had started from fort Ligonier, in command of a division of the small force of twenty-four hundred, who went forward against the French fort Duquesne, to find it burning and in ruins.* Every rod of the road was known to him ; he was acquainted with every dangerous defile and with each spot where he might look for surprise. He was fully impressed with the desperation of the service on which he was engaged ; he had to march fifty-five miles to reach the fort, exercising unceasing prudence and caution. He might be attacked at any hour. On the first day he marched twelve miles without interruption, when he bivouaced for the night. His plan of campaign was to start early on the following morning and to get to Bushy creek, as it was called on the maps, but by Bouquet named

* Ante, vol. IV., p. 211.

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Bushy run, nineteen miles distant. His intention was to halt at this spot, refresh his men, and at night start and pass over to French creek, the succeeding ten or twelve miles consisting of dangerous ground commanded by high and craggy hills, and presenting defiles where the attack would be more disadvantageously met. It was the 5th of August, a period of the year when the heat is intense; when the bush swarms with that pest of the northern part of America the mosquito; when the springs are frequently dry and water difficult to be obtained; when men with arms and accoutrements suffer severely from the heat; nevertheless the march was even rapidly made. The mettle of the troops is shewn by the fact, that at one o'clock, the column, encumbered with the duties of a convoy, had marched seventeen miles. Bouquet had arrived at a place to which he gave the name of Edge Hill, within two miles of his objective point, twenty-six miles from fort Pitt. Suddenly the advance guard was briskly assailed. Two light companies of the 42nd were sent forward in support, and the Indians rapidly abandoned their ambuscade. The attack was now directed against the flanks, and further advance was disputed by a large body in front. It was soon apparent that the enemy was present in great force. The Shawanees and Delawares, who had been busy in the attack at fort Pitt, had abandoned their ground to oppose Bouquet's march. All the hostile tribes of the Ohio were present, excited by their successes in the destruction of forts Presqu'ile, Le Bœuf and Venango. The action became general; the Indians knew the ground, and as they were defeated in one direction appeared at another spot with increased determination. The fire continued unintermitting in the front and flanks. A charge was made in force upon a large body occupying some heights. It succeeded in dislodging the assailants, but without any permanent advantage being gained, for they returned to the attack in another direction. The Indians continued to receive reinforcements, so the column was surrounded and the convoy to the rear became exposed to danger; accordingly, the whole force was gathered around it for its protection. Effort suc-

ceeded effort to break through the British phalanx, but every attempt was defeated and foiled ; nevertheless each repulse only led to renewed attack. The Indians behaved with great resolution, and, although always repulsed with loss, returned to the assault. Only when night came on they ceased to assail the column, and they retired evidently with the determination of renewing the contest on the following day. The British losses in the day were sixty killed and wounded, including two officers of the 42nd killed and four officers wounded. Bouquet encamped on the ground ; that night he wrote to Amherst an account of the engagement ; he spoke of the steady behaviour of the troops, who did not fire a shot without orders, but often drove the enemy back with the bayonet. The conduct of the officers he described as above all praise.*

Bouquet established himself on the hill where the convoy had been left, encircling the whole with what protection he could obtain. He especially cared for the wounded, whose suffering was great, by surrounding them with flour bags to protect them from danger in the attack of the morrow, which he foresaw would be inevitable. With daylight the firing commenced. The Indians surrounded the enclosure, yelping and shouting with the belief that this display of an imposing force woud cow the defenders. They remained within 500 yards of the camp and under cover of an incessant fire made successive attempts to penetrate the defences. As they gave way in one place on a well-directed attack, they appeared at another spot. The British force was greatly fatigued ; they were wearied out by the long march and the fight of the preceeding day, in which they had been engaged until dark. When the attack was temporarily abandoned, they had to

* Bouquet did not conceal his anxieties for the future. " Whatever our Fate may be," he wrote, " I thought it necessary to give your Excellency this Early Information that you may at all events take such measures as you may think proper with the Provinces for their own safety and the Effectual relief of Fort Pitt, as in the case of another Engagement I fear Insurmountable difficulties in protecting and Transporting our Provisions, being already so much weakened by the losses of this day in men and horses besides the additional necessity of carrying the wounded, whose situation is truly Deplorable." Can. Arch., A., 4, p. 344.

secure themselves for the morrow. A guard had been on duty the whole night, their hours of sleep had been few; moreover, as Bouquet describes the situation, they were distressed from want of water, "much more intolerable than the enemy's fire." They were forced to remain by the convoy, which, if the troops left it, would have become a prey to the savage, and the wounded would have been killed and scalped. There was no possibility of moving forward; many horses had been lost, and most of the drivers, under the impulse of fear or folly, hid themselves in the bushes and would obey no orders. Bouquet had no alternative but to fight where he was. Seldom has a body of troops been placed in more embarrassing circumstances; worn out with fatigue and want of sleep, without water, surrounded by a mass of infuriated savages, in the heart of the woods where only the tactics of savage life would prevail. It was a battle with the Indian on his own ground, under the very conditions he would have selected.

The attack of the savages grew bolder; nevertheless they remained at some distance, and if overpowered abandoned their position. Bouquet's movement was accordingly made to increase their confidence, and by the semblance of a retreat to lead them to shew themselves in a more exposed position. It was forming for them one of those traps, into which they were continuously striving to entice their enemies. Two companies in advance were withdrawn within the circle, and their place supplied by extended files brought nearer to the enclosure. The two companies thus removed were greatly strengthened to act as a reserve; their retirement led to the belief that a retreat was about to be made. The Indians hurried forward to enjoy the fruits of the victory they looked upon as in their hands, and to glut the desire for vengeance by the slaughter of those who had destroyed so many of their tribe. They rushed onward with the greatest daring, delivering a heavy fire as they advanced. But at the moment when they held the triumph to be theirs, and they had to reap all its advantages, they were assaulted on the flank by the two

companies, that sallied out from a hill, and which the Indians had failed to observe. They attempted resolutely to make a stand, but Bouquet's attack was irresistible. The charge broke them, many were killed ; for when the contest assumed this character, there was no longer any cohesion among the savages, and they were at the mercy of their powerful assailants. Scattered by the charge, the Indians had to pass before two other companies rapidly brought up in support, and received their full fire totally unprotected by the bush. The four companies gave the retreating foe no time to re-form; the latter could neither reload nor make any stand of any kind : they were pursued, attacked by the bayonet and dispersed. The Indians who had taken ground to the left, unable to aid their defeated brethren, being held back by some companies posted on a height, seeing the remaining portion of their force broken and destroyed, turned and fled.

No British soldier took a scalp. Some of the rangers and pack-horse drivers were not so delicate.* After pursuit of the enemy to the extent which prudence would warrant, the troops returned to their camp, where they, for the first time, could remain without danger. So soon as it was possible, the wounded were carried away on litters to Bushy run, where water was plentiful ; the camp was to be formed, and a few hours of greatly needed rest could be obtained. Owing to the loss of many horses, there was much provision which could not be carried forward, principally flour, and all that could not be moved was destroyed. The column reached Bushy run without molestation. The troops had scarcely established themselves when they were again feebly attacked, but the Indians were at once driven away. The losses in the two actions were 50 killed, 60 wounded, five missing, total 115. Three officers were killed and five wounded. Of this total number 64 belonged to the 42nd Highlanders. While the troops for a few hours sought rest, quietness, and renewed

* "Our brave men disdained so much as to touch the dead body of a vanquished Enemy, that scarce a scalp was taken except by the Rangers and Pack-Horse Drivers." Bouquet to Amherst, 6th August. Can. Arch., A., 4, p. 341.

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strength to encounter fresh dangers, from this place Bouquet wrote his despatches.* Even after his success his anxiety, or possibly the sense of his responsibility, came to the surface. "I hope, he said, we shall be no more disturbed, for if we have another Action we shall be hardly able to carry our wounded." But whatever his sense of the difficulties in his front, he did not fail to do justice to the service of the men he commanded. The sentence in which he performed this duty, and it may be taken as a type of his character, forms the closing lines of his letter: "The behaviour of the troops on this occasion speaks for itself so strongly, that for me to attempt their eulogium would but detract from their merit."

Bouquet reached fort Pitt in safety, on the 11th, with the wounded and stores; he had but twenty-four miles of march, but he made it leisurely and without interruption. As soon as the troops were refreshed, a detachment was sent to fort Ligonier to bring up the convoy which had been left there. Major Campbell, who was in command, did not meet an Indian, so overwhelming had been their defeat. The men had however greatly suffered in the march, for of the 42nd and 77th, only 245 were fit for duty. The victory of Bouquet is memorable under the two-fold aspect, that it was the last action of any magnitude with the Indians during British rule, and by the moral effect it created.

The Indians had selected the mode, the time and the place of attack. Sustained by the successes of the year, they had

* Return of killed and wounded in the two actions at Edge Hill, near Bushy Run, the 5th and 6th August, 1763.

	—Killed—				—Wounded—				Total.
	Officers.	Sergt. mts.	Ranks and File	Off. cr.	Sergt.	Ranks and File	Missing.		
42nd Royal Highlanders.....	2	1	26	2	2	2	31	..	64
60th Royal Americans.....	1	..	7	1	..	4	..	12	
77th Montgomery's Highlanders.....	..	..	6	2	3	7	..	18	
Volunteer Rangers and Pack-Horsemen.	1	..	7	1	..	7	5	21	
	3	1	46	6	5	49	5	115	

confidently looked forward to overwhelming the British column. They had temporarily abandoned the siege of fort Pitt, which they anticipated to renew and triumphantly bring their attack to a conclusion by the force which had annihilated Bouquet. But they themselves were so thoroughly over-powered and broken that they never recovered the blow, and in the future, although desirous of engaging in hostilities, they had never the courage to recommence them. The day's action greatly depressed them, for they had been thoroughly repulsed in all directions. Their losses were very serious. It is estimated that sixty Indians were killed, among them some well-known chiefs. Kikyuscung, one of the great ringleaders of the mischief, was among the dead, his body having been found with Wolfe, another prominent chief. Butler had previously been killed at fort Pitt.* These tribes never again raised their head in outrage.

The following year they accepted the terms of the peace dictated to them at the river Muskingum, recognizing the sovereignty of the white race, from the conviction that it was impossible to oppose it. Amherst expressed to Bouquet the greatest satisfaction at the important service rendered at Edge Hill, but Bouquet's career of usefulness was not yet ended; he had to complete to its full consequences the peace which his generalship had gained. In modern times all memory of the action and of the soldiers who fought in it, has passed away. Few men out of the circle of historical students, pursue these researches, or know the contest even by name. If in any way related; the encounter is chronicled as an ordinary skirmish in an Indian outbreak; whereas, however small the number engaged, it may be described as one of the prominent events of the continent, from the important consequences which followed. There has been rarely an occasion where gallantry, judgment and determination, could more justly claim public recognition. But amid the dreary political contests of the home government at this painful period, George Grenville was then in power, it passed unrec-

* Official account, published in New York papers, 29th August, 1763.

warded, although reported in the contemporary historical literature. These were the days when honours were reserved for a class. Fortunately that evil time has forever passed away : a more generous appreciation of merit has arisen with the advance of liberal institutions, and it is a condition of modern times that members of the great, as of the less prominent families, must, as a rule, owe to merit, not to royal favour, the distinction which was formerly granted often as a matter of course. Bouquet obtained no honour from the government he served so well, and it is a strange record to make, as will be hereafter seen, that the sole recognition of the service he performed came from the province of Pennsylvania, which otherwise, in this crisis, had been so languid in the discharge of its duties. It is therefore more imperative on the public writer to preserve the fame of Bouquet in the honourable rank it can claim. His name remained without prefix to shew the contemporary estimate of his worth; but whoever examines and considers his career by the results he achieved, the nobility of his nature, the absence of littleness of spirit, his sense of duty, his unfailing fortitude in the darkest hour, will say to all the world, "this was a man."

The events which I have described on the Ohio and its tributaries may appear to many unconnected with the history of Canada; but the fact must be remembered that all the country west of the boundaries of Pennsylvania and Virginia, north of the Ohio, including the Illinois country, during the war by the French had been regarded as part of Canada, and was so officially described in the Quebec Act of 1774. The failure to recognize it as part of the older provinces created great dissatisfaction, and formed one of the grievances set forth in the declaration of independence. It was only after the revolutionary war that this territory ceased to be so considered. The boundary of the present United States was laid down to pass through the centre of lakes Ontario, Erie, Huron and Superior. The events of this date affecting this extended territory consequently exact mention. Even were no such explanation admissible, the operations of the Indian

war were so extended and so inter-dependent, that any narrative of British America would be unintelligible without full reference to them.

A few days more than a month after the action of Edge Hill, Amherst had to report a disaster, in which the losses were nearly as great as in the two pitched battles of the fifth and sixth of August. On the 14th of September a party of twenty-eight men under a sergeant of Wilmot's, the 80th regiment, was returning from the lower landing to fort Schlosser. They had the preceding day escorted a convoy of provision from Niagara, for the use of the Detroit garrison. Not expecting attack, they were marching in some disorder, when suddenly they were fired upon by a concealed party of Indians. A rush followed the discharge of the muskets, and in a few minutes, the whole party assailed by overpowering numbers was killed. Philip Stedman, one of three brothers that had built some saw-mills at fort Schlosser, who had accompanied the party the preceding day, having escaped the first fire and, being well mounted, dashed through the Indians who in vain attempted to stop him. He was fortunate enough to escape the shots fired after him, and reached fort Schlosser in safety. There is a tradition that a drummer boy who had been forced over the precipice was stayed in his descent by a tree, and managed to remain unseen; and that a wounded driver crawled into the bush and concealed himself until all was over. With these exceptions, the entire party was destroyed. The firing being heard in the lower fort,* a detachment, consisting of some of the 60th, the 80th and some provincials, was sent out. The Senecas, the attacking party, placed themselves in ambush to attack them at a spot called the "Devil's Hole."† There were at least five hundred of this tribe present, concealed on the wooded hills, where they awaited the arrival of the troops. As the latter marched hastily forward, not looking for resistance, they were received by the fire of the whole

* Now Lewiston.

† According to the late Mr. Marshall of Buffalo, who made the subject of the Niagara frontier a special study, the place still retains the name.

concealed body. Those who escaped the volley were immediately overpowered. Five officers, all that were present, seventy-six rank and file were killed and eight wounded, with two sutler's scouts, making a total of ninety-one. Major Wilkins in command at Niagara hurried forward with a large body of men only to find the corpses of those slain. The Senecas with the spoil of the convoy had disappeared. Only twenty escaped uninjured.*

Amherst had long desired to return to England. He may perhaps have seen the troubles which were threatening the exercise of imperial control. This is not the place to enter into any examination of that question. Events, however, could not have failed to impress officers serving in America, how little personal consideration was to be obtained by the discharge of their duty, and how inadequately during the political struggles which were then taking place in the mother country, to-day read with pain and shame, the character of that service was appreciated or even understood. The danger of any foreign attack on the British colonies had passed away for ever. There was no dread of French invasion or of Abenaki raids to the destruction of life and property. Even at no great distance from the frontier, the difficulty of the struggle with the Indians of the west was imperfectly known, and except with men engaged in the fur trade, the possession of the Illinois was regarded as wholly unimportant. The news of the acceptance of Amherst's request to retire reached him in the middle of August.† It was not, however, until the

* The killed and wounded on the 14th September were as follows :—

	Officers.	Rank and File	
	Killed.	Wounded	
Royal Artillery	1	..	..
60th Regiment.....	..	3	..
80th, Wilmot's	2	69	8
Provincials New York	1	2	..
" New Jersey	1	2	..
	5	76	8

and two Sutler's Scouts.

Amherst to Egremont, 13th Oct., 1763. Can. Arch., A. & W. I., 98.2, p. 588.

† Amherst replied in the effusive manner customary at that time, and although in accordance with George the third's theory of personal rule, it is so repugnant to

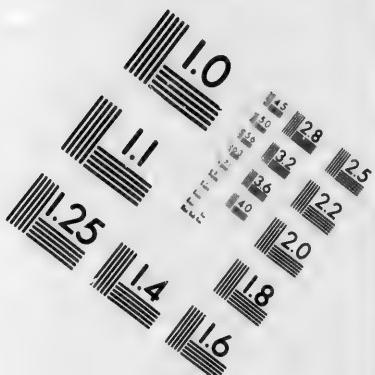
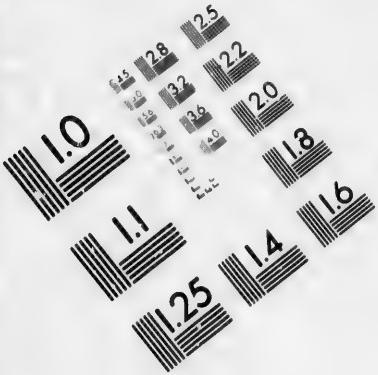
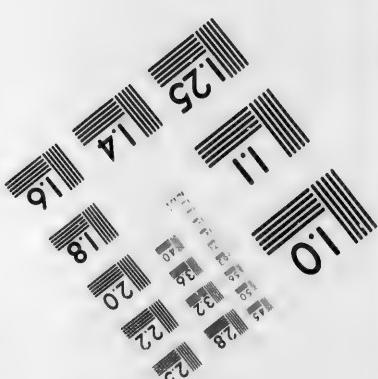
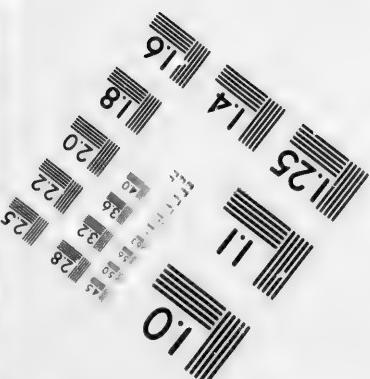
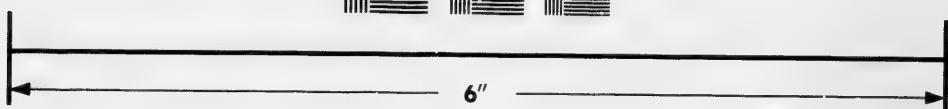
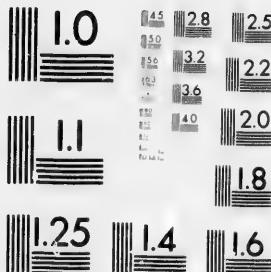


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20th of October that Gage received the instructions to relieve Amherst from his command, although dated the 13th of August, and that he took steps to vacate the government of Montreal which he then held.*

Gage arrived at New York on the 16th of November. The following day Amherst departed for England. He placed in Gage's hands a memoir of some length with regard to the position of the British provinces, dwelling on the necessity of obtaining a permanent peace with the Indians, and expressing the view that it could only be gained by following them into their country and awakening their fears for the future. He recommended Bradstreet for the command of the expedition by the lakes, stating that that officer had applied for the appointment. To Johnson he wrote, that he would be glad to help him in any way in his power, to testify to him the proof of his sincere regard and esteem. It was praise well deserved by this able man, whose personal influence over the Indians was great, and it had been invariably exercised with prudence and courage. The hostile attitude of the Senecas, or as they were sometimes now called the Chenussios, exacted the exercise of the greatest judgment in the treatment of the other branches of the Six Nations. Amherst knew well all that he owed in this respect to Johnson, and it was one of his last acts to bear testimony to Johnson's zeal, ability and conscientious discharge of his duty.

Amherst arrived in Canada in 1758, in command of the land forces before Louisbourg. He succeeded Abercrombie in command of the forces, and had directed the operations which drove the French from lake Champlain, and the advance of the following year which ended in the capture of Montreal.

English feeling and thought that it never took foothold. Her present Majesty, for whom the feeling of respect is as deep as it is general, would read with some astonishment a sentence similar to that penned by Amherst on the occasion : " May I take the liberty to beg that your lordship will lay me at the king's Feet with my most humble and dutiful thanks for his Majesty's Gracious Intention of permitting me to return home," etc., etc.

Amherst to Lord Egremont, 13th August, 1763. A. & W. I., 98.1, p. 304.

* Ante, vol. IV., p. 447.

The capitulation of the French force completed the conquest of Canada. Nominally the governor-general of Quebec, he had remained in New York, and although officially engaged in a correspondence with regard to the policy of Canada, the ability of his lieutenants rendered interference on his part unnecessary. He cannot therefore be regarded as the first governor-general of Canada, although occupying that position while Canada was held as a conquered country. Murray, appointed after the definitive treaty of 1763, is generally described as the first governor-in-chief.

It was one of the early duties of Gage to record the serious calamity of the wreck of a small fleet of *bateaux* proceeding to Detroit. Major Wilkins, who was in command, left Niagara in November, and was caught in a storm on lake Erie on the 7th of the month; it is described as rising "of a sudden." There must have been singular want of judgment in navigating lake Erie in *bateaux* at such a distance from shore, that land could not be rapidly reached. The event took place at the spot described as Long Beach. Several of the boats were lost and many dashed to pieces in the attempt to land. Three officers, four sergeants, sixty-three privates perished. Sixteen boats were sunk, with one 6-pdr.; nearly all the ammunition was lost or destroyed. The thirty boats saved from the wreck were in such bad condition that it was not possible to proceed; moreover, there remained only provisions for twenty-five days, with but four to five cartridges a man. Information was sent of this disaster to Gladwin. Considering the lateness of the season, and from the failure to obtain additional supplies, the latter determined to reduce the garrison to 212 men, sending those in excess of this number to Niagara.

The resolution of Gage to carry out the policy bequeathed by Amherst, that of forming two strong columns, one to attack the Indians by the lakes, the second to advance from fort Pitt by the Ohio, to bring the Shawanees and Delawares into subjection, led him to apply to the colonies for men to aid in the operations. In making the request he did not hold out

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the least expectation that the expenses incurred would be dispensed by the crown.*

It was not a popular proceeding. The provinces unwillingly gave quarters to the soldier even on service, and it was the common opinion that the duty of furnishing land carriage in the operations on the Ohio was a legitimate opportunity for exaction. There was unwillingness to bear any of the expense of the war. The merchants of Philadelphia, in September, 1763, even sent in a petition setting forth their losses in the outbreak, and asked that compensation should be obtained from the Indians, and such of the French "whom you may have reason to believe to have been the instigators to the savages, to such unheard of cruelties and depredations."

Gage's instructions from London were to follow out the measures of Amherst to bring the Indians to a lasting peace. At the same time, the opinion was expressed that the Indians had been treated with great neglect, and that, for the future, they ought to be more cared for. The war was ruinous to industry and enterprise, and was troublesome, costly and the occasion of great loss of life. There was every reason that it should be brought to a close, and to attain this result a strong force was indispensable. The provinces were consequently required to furnish their quota of men. New York was called upon for 1400, Massachusetts Bay 700, Connecticut 500, New Hampshire 500, Rhode Island 200, and a contingent of 300 men was asked from Canada.

In the first instance Massachusetts refused to raise men: equally so Connecticut. Subsequently the house of assembly stated that the application would be considered in the spring. New Hampshire made excuses and avoided the demand. Rhode Island made no answer to the requisition. New York agreed to furnish 500 men to join the king's troops, and 900 to be posted on the frontier. The Mississaga Indians at Oswagatchie,† in the neighbourhood of fort Augustus, had

* Gage to Halifax, 7th January, 1764. A. & W. I., 121.1, p. 42.

† Ogdensburg. Can. Arch., A. & W. I., 121.1, p. 44.

commenced to be troublesome, and it was thought necessary to guard against any movement on their part, for the settlements on the Mohawk were directly threatened by them.

In the month of February, 1764, an attempt was made by major Loftus to ascend the Mississippi with the design of taking possession of the Illinois. By the treaty of peace the navigation of the river was free to both countries, and it was conceived that if the French would act in good faith, no difficulty would be experienced. Loftus left New Orleans with his detachment, composed of the 22nd regiment, on the 27th of February. After advancing seventy leagues up the river, he was attacked by a party concealed at the Roche d'Avion. From intelligence which he received when in New Orleans, he looked to the possibility of being interfered with, and the boats proceeded in their ascent with caution, one following the other, the arms remaining by the side of the men as they rowed. On the 20th of March, at seven in the morning, the two leading boats were fired upon from the west side. Orders had been given in case of attack to move to the opposite bank. But both boats had been disabled, out of sixteen men six were killed and four wounded ; the boats consequently fell down with the stream. As is usual in such surprises no enemy was visible, and as the end desired by those in concealment had been attained, the ascent of the river being impeded, the attack was not followed up. Loftus made no attempt to land, for it was impossible to do so ; and had he succeeded, he would have experienced greater disaster. The banks were overflowed, it being the season of high water, and trees of large girth stood in the stream several yards from the water-line. It was not possible to row against the stream in the middle, and the breadth of quiet water they could follow was so narrow, that they could not have kept out of range of shot. Had the Indians who made the attack waited for the whole body to come within their reach, they would have destroyed half the detachment, for there was no cover : a fact which may be accepted as a proof that the desire was to prevent the ascent of the Mississippi, not to destroy those

making the attempt. This aggressive proceeding had been entirely conceived in the interests of the New Orleans trade with the Illinois settlements, and had not been dictated by national feeling. There was accordingly no alternative but to return: Loftus estimated by the fire made upon the detachment, that two hundred men were in ambush, sufficient to stop two thousand in open boats.

On his return to New Orleans, Loftus applied for permission to carry his boats overland to the bayou, and so reach lake Ponchartrain, the route which it was usual to follow, by which means the detachment would have gained Mobile without difficulty. D'Abbadie refused his permission. Fortunately one of the transports which had brought them from Mobile was in the river. Loftus detained the vessel, and descended with his boats and stores to the "Balizes," where he embarked and proceeded to Pensacola, to prepare for a renewed attempt. It was the first endeavour of the British to take possession of the Illinois; the extreme west of the territory was held to be Canada.

Owing to M. d'Abbadie making a report to M. de Choiseuil of the language of major Loftus, who he said had imputed the cause of his failure to French machinations, the French minister officially complained to the British court of the wrong and injustice done to their officer: the remonstrance was referred to Gage, who asked Loftus for explanations on the subject.* Loftus replied at some length. His statement is important; it establishes the systematic opposition of the French to the British possession of the Illinois. It was indeed a part of their plan of operations to make settlement around the lakes from the old provinces impossible. Loftus relates that previous to his arrival with the force, colonel Robertson, the deputy quartermaster general, had proceeded to New Orleans, and had waited upon the governor d'Abbadie, who promised him assistance. With his approval a merchant of the place undertook the work of preparing the boats, which were to be ready by the 2nd of January.

* Mobile, Dec. 24th, 1764. Can. Arch., A. & W. I., 121.2, pp. 492, 504.

Aubry, the commandant of the troops, and an officer named Foucault went surety for the performance of the contract. Loftus did not arrive until the 7th of February, at which date not one boat was finished, or indeed any preparation made, although the completion of the contract had been due eighteen days previously. D'Abbadie apologized for the dilatoriness of the contractor, ascribing the badness of the weather as its cause, and with the view of shewing his desire of aiding Loftus, ordered a few men to assist at the boats. They worked so slowly that Loftus employed the soldiers of his own detachment who were carpenters and smiths. What Loftus especially desired was to obtain pilots and Indian interpreters, no one of the detachment having any knowledge of the river, or of the disposition of the Indians to be met in the ascent. After the protestations of d'Abbadie, Loftus applied for his help in procuring them, but he could never obtain a positive answer : a course of conduct the more embarrassing, as none of the French would accept any position in the expedition without the governor's approval. This passive opposition was everywhere apparent. On one occasion Loftus had agreed with an inhabitant of New Orleans to bring a boat from the bayou of St. John's to the Mississippi by land ; d'Abbadie refused permission on the frivolous ground that he had not been previously consulted. On another occasion a M. Lagauterais, an officer on half pay, had agreed with colonel Robertson to accompany the expedition. Loftus gave him money in anticipation of his service : but a few days before the expedition started Lagauterais returned the money, on the plea that it would injure him if d'Abbadie knew of his engagement. D'Abbadie proposed sending an officer, M. Boirand, with Loftus to the last habitation at point Coupé. The theory of his presence was to prevent the inhabitants imposing upon Loftus ; but he was of no benefit. D'Abbadie offered a place for a British officer in a boat he was sending to the Illinois. The offer was accepted, but in a day or two afterwards, d'Abbadie informed Loftus that he could not be answerable for his safety, so great was

the aversion of the savages to the English. In a short time Loftus formed the opinion, that d'Abbadie was really placing every obstacle in the way of his ascent. During this time, the French governor was sending up the river among the Indians the most infamous and unjust character of the English, and of Loftus in particular, as one from whom they could expect neither justice nor mercy ; giving a most false and defamatory account of the government of Mobile under Farmer. The consequence was, that when Loftus started on the 27th of February, he did so without pilot or interpreter. In the passage up, two Indians offered their services. Boirand, the officer sent by d'Abbadie, said he knew one of them, and warned Loftus that he was a sharp fellow, of whom it was necessary to be careful, but did not object to him as a slave. No exception was made to this man when passing by the French settlements; but on their arrival at point Coupé, the commandant saw fit to order his arrest, without giving notice to Loftus. Loftus accordingly sent Boirand to point out that no one had the right to seize a man in his boats, who was under the protection of his flag, the navigation being free to both nations. Boirand returned with the reply that the man was a slave. Loftus complained that he had not been previously told of the fact, upon which Boirand undertook to bring up several witnesses to prove the man's character. Nevertheless, those who came forward declared him to be no slave ; accordingly he was surrendered, but at the last habitation he was privately seized and sent to New Orleans.

The expedition proceeded up the river, when on the 20th of March they were attacked and forced to retire. On their return, Loftus sent captain Thorn to ask permission to occupy their old camp. No objection was made to this course : d'Abbadie congratulated Thorn on what had taken place, telling him if he had reached Natchez he would have been destroyed, for five hundred Indians were in waiting there to attack the party. The day after the arrival of Loftus, several canoes full of Indians came to New Orleans. They were received "very graciously" by d'Abbadie, and Loftus learned

immediately that they were the very Indians who had attacked him. The following day an officer named Clouet called on Loftus to present d'Abbadie's compliments, and to ask if he could be of any service. Loftus said he was exceedingly thankful, but he must express his surprise at d'Abbadie giving his countenance to the Indians, who had fired upon his detachment and killed his men. Clouet did not deny their presence; all he could say was that d'Abbadie had given them no presents, and that he could not punish them, as to do so would endanger the safety of their own people. Loftus pointed out that these Indians were almost French and were living among the population; and that it was difficult to suppose that they would have taken the steps they had done, without d'Abbadie's knowledge and approval. Clouet declared that the governor was ignorant of the whole affair, and that it had entirely proceeded from love to the French and hatred to the English, and he added, so long as there was a French government at New Orleans, the British would never get possession of the Illinois by the Mississippi. "I had no further transaction with Mr. d'Abbadie," adds Loftus, and he proceeds to point out that all the assistance he received was the presence of a few artificers, ordered away before the work was finished, and that there were numbers of pilots and interpreters in the town, but none were furnished him. Loftus had reason to think that d'Abbadie prevented Lagauterais joining the expedition, from the knowledge that he would be of much use. He believed that the attack upon him was even directed by Frenchmen, two of the number being officers on half pay, the others being volunteers. Every one in New Orleans expected that the party would be attacked, and one of the citizens told the officers that they would be back sooner than they expected. D'Abbadie had sneeringly said, that the expedition had been stopped by thirty men. Loftus declares that there were five times that number, yet he added, "thirty were sufficient to make us retire in the circumstance we were in, for we had not men enough to man our oars, and had we laid any of them aside

to use our arms, the boats would have gone down the stream;" and he could not have attacked the savages on shore unless they had been willing to fight. While confidently expressing M. d'Abbadie's knowledge of the attack upon him, Loftus proceeds to say that he "has very interesting [sic] motives for preventing us taking possession of the Illinois as long as he can ; and that is a most beneficial trade he carries on to that place, which brings him in four-score thousand crowns a year, which would be entirely lost on our taking possession of that post." Loftus accompanied his paper by documentary evidence ; one of these papers positively affirmed that the attacking party was headed by six Frenchmen who gave powder and ball to the Indians. All the officers accompanying the expedition, in a document signed by them, declared that major Loftus' statement was true in every particular.

CHAPTER VI.

By the middle of March, 1764, the column placed under the command of Bradstreet was organized and fit for service. It was destined to ascend the lakes from Niagara to place reinforcements in Detroit, and after chastising the tribes on the southern shore of lake Erie westward, descend from Sandusky to the country of the Delawares and Shawanees, and co-operate with Bouquet. It consisted of the 17th regiment, completed by drafts from the 55th to its full strength, four companies of the 80th, and a strong accession of provincial troops, viz., 500 from New York, 500 from Connecticut and New Jersey, and a contingent of 300 from Canada, 50 of the Royal Artillery, and ten pieces of light ordnance, the whole forming a corps of 2,000 men. To the remaining companies of the 55th the duty was assigned of keeping open the communications west of Albany, the main forts only being strongly garrisoned. Forts Schuyler, Onondaga, Stillwater, and Saratoga, were left with a few men only in charge.

It had been long considered that the presence of French Canadians in the field with British troops, would have great influence both on the settlers of Detroit and the Indians on the lakes. The reports constantly spread by the French traders, that war was going on in Canada with the promise of a powerful flotilla to appear on the lakes, and a strong *corps d'armée* to enter Canada from the Ohio, had had great influence in maintaining the disaffection. Gladwin had from the commencement maintained, that the appearance of French Canadians on the British side would go far to destroy the illusions which were entertained. Thus their enlistment had been suggested on political grounds, independently of the additional strength of the contingent. When it was resolved to carry out this policy, Murray confidently expressed the

opinion that the district of Quebec would readily furnish one thousand men. The enlistment was so slowly effected that at one time he thought he would be forced to have recourse to impressment from the militia.* Of the three hundred asked, Montreal and Quebec had each to furnish one hundred and twenty, and Three Rivers sixty men. Haldimand at Three Rivers had the least difficulty in raising his quota, even obtaining supernumeraries to send to Quebec.

The French Canadians, under French rule, arbitrarily called out to serve, could not understand that they were asked to volunteer, money being offered as a bounty. They formed their own fancies concerning the demand, and concluded that it was an engagement for life. Some people in the cities out of work at once joined the ranks; but in the country parishes there was a stolid disinclination to accept the bounty. The *curés* appear to have intervened to explain the principle of enlistment. As it was understood that it was for the war only, and there was every prospect of a peaceful campaign, volunteers more readily came forward. By the end of April the number was complete. It is placed on record that the company furnished by Three Rivers was superior in *physique* to those elsewhere obtained. The contingent behaved well during the campaign and proved useful, although it will be seen that there was no exacting service to be performed. It is proper to remark, for the contrary has been affirmed, that on the return of the expedition, the men were discharged, and arrived at their parishes quite satisfied with the treatment they received. Murray allowed them some days to reach their homes, to which they went quite contented.†

* By a letter from Murray to Haldimand, Quebec, 2nd April, it would appear that impressment was resorted to, but not in any great degree. A week later, hearing that Haldimand had completed his company, Murray writes that he will be glad of his men to replace those pressed. [Can. Arch., B, 6, p. 140.]

† "Ces bons gens qui n'avaient reçu traitement pareil sont très contents et souhaittent qu'on aye besoin de leurs services l'année prochaine." Haldimand, to Gage, 25th December, 1764. [Can. Arch., B, 22, p. 60.]

The pay given to a major was three dollars a day, to a captain two, to a lieutenant one, to a sergeant twenty cents, corporal thirteen, private ten. There were two lieutenants to each company; no ensign. The men received \$12.00

Bradstreet had been instructed, that previous to starting he should clear away the woods on each side of the portage road from Niagara, so that troops could not be surprised on the march. In the first instance he was to attack and inflict chastisement upon the Wyandots, of Sandusky. This tribe was prominently among the most inimical, and those belonging to it were the more objectionable, as they planted a great supply of corn which they furnished to the other nations. He was afterwards to surprise the Shawanees and Delawares on the Muskingum and Scioto, either by following Cayahoga creek running into lake Erie between Presquile and Sandusky, or by Sandusky river. Should the Ottawas at Detroit be found hostile, every means should be taken to destroy them. He was to place the fort at Detroit in repair, to discover the channel through lake Saint Claire into lake Huron: instructions which show that even at that date the Saint Claire flats were troublesome. He was to re-establish the garrison at Michillimackinac, with one hundred men of the 17th; and constantly act upon the policy of making it well understood that the desire was only to chastise the Indian tribes who were hostile, and on the other hand to protect those that were friendly.

Bradstreet's behaviour in this campaign has been severely arraigned, with what justice can be determined as the narrative of his conduct is perused. It is therefore proper to mention that a certain latitude was given to him to act according to his judgment, and to be guided by circumstances.*

bounty. Murray to Haldimand, Quebec, 11th March, 1764. [Can. Arch., B., 6, p. 136.] The officers of the Three Rivers company were de Montizambert, captain; de Richeville, lieutenant; Smith, ensign. I cannot find the names to the other companies.

* Gage in a letter to Halifax, 12th May 1764, [Can. Arch., A. & W. I., 121.1, p. 262] thus describes the powers conferred on Bradstreet in any case of emergency. "These services have been pointed out to Colonel Bradstreet, but as the face of affairs may change and accidents happen which its [sic] not possible to foresee; and as He will be at so great a distance to receive any orders, its left with Him in such circumstances to determine thereon according to his judgment, and to conduct himself in every particular in the manner he shall judge the most advantageous for his Majesty's service."

Bradstreet, in the first instance, had been a provincial officer of some reputation, and afterwards received a commission in the Royal Americans, the 60th. He had shewn courage in the defeat of de Villiers on the Oswego river in 1756. He was present with Abercrombie at Ticonderoga two years later, and in the same year had shewn energy and conduct in taking fort Frontenac [Catarqui].* The events in this campaign in no way added to his reputation. He acted with a singular want of judgment and apparently to satisfy his vanity. His perversity narrowly escaped causing serious injury, and it is not easy to explain that with his previous record he should have disregarded, not simply ordinary prudence, but the rules of the service which from his own position, he was interested in maintaining.

The second column was organized at fort Pitt under Bouquet, to advance westward into the territory of the Ohio, where the opposition to possession being taken of the Illinois found its greatest strength. The Shawnees and Delawares, here in great numbers, remained actively hostile. During the winter their deputies had proceeded to fort Chartres and had applied for ammunition and supplies. The demand was officially refused by the commandant; but as all they required was obtained lower down the river at Kaskaskia, it is out of all belief, that such could have been the case had the commandant been in earnest in his refusal. It was reported that the New Orleans traders were to send further supplies, and were busy in exciting the Indians of the Wabash and Miami to oppose every attempt of proceeding to the upper Mississippi. To-day it is plain, as it was then considered, that such a league was impossible without the encouragement and aid of the French.† The object of Bouquet's march was to place

* Ante, vol. III., p. 559; IV., p. 167; p. 183.

† Gage thus described the commandant at fort Chartres [Can. Arch. A. & W. I., 121.1, p. 308]: "Some suspicions have arisen of Mon^t. de Neyon's sincerity from the supply of ammunition which the enemy Indians have drawn from the Illinois, when greatly reduced in that article but we can't openly lay it to his charge as 'e publicly refused them supply. I beg leave to remark from the Tenor of this Gentleman's Letters to Mon^t. d'Abbadie, that he is greatly prejudiced in

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in subjection these hostile tribes and to effect a passage by the Ohio of a detachment to fort Chartres.

Previous to the departure of Bradstreet's expedition, Johnson arrived at Niagara on the 8th of July for the purpose of entering into a treaty of amity with the different tribes. The majority of them had not taken part in the attacks of the previous years, and the meeting may be described as one where the ancient feeling of amity was to be renewed.*

The principal tribe was that of the Hurons. They engaged not to disturb the peace or conceal the design of others who had resolved so to act; to give up all prisoners and to use their endeavour to obtain such as were in the hands of neighbouring nations; not to harbour deserters or fugitives; not to maintain friendship with the king's enemies, but to oppose their designs; not to listen to the idle stories of white men who spread false reports. They acknowledged the king's right to the land on both sides of the river Detroit, and on lake Saint Claire, to the extent it was claimed by the French. They agreed to punish such of their warriors as the commandant of Detroit might ask at their hands. On these conditions all hostility should cease on the part of the king, and their past offences be forgotten.

A second treaty was passed on the 6th of August with the Chenussios and other Senecas. After declaring that absolute peace should prevail, they agreed on the part of the Delawares of the Susquehanna to deliver up "the Delaware king," their chief warrior and all prisoners; and that after the surrender a treaty should be made with the Delawares themselves. The Chenussios likewise undertook to deliver up a deserter whose

Favor of the Savages and relates many things as Facts which can't possibly be true: Receiving every idle Report of the Indians to our Discredit as so many Authentic Accounts."

* Johnson describes the total number as 2,060, of which 1,700 were fighting-men, a greater number than had ever assembled on a like occasion. Deputies had been sent by the Hurons, Ottawas, Chippewas, Menomonies, Folles-avoines, Foxes, Sakis, Puans, with the Indians of Lake Superior, some even from Hudson's Bay. Johnson to the lords of trade, 30th August, 1764. [N.Y. Doc., VII., p. 648.]

name is preserved, Sherlock, and all prisoners held by them. They ratified the grant of four miles on each side of the river Niagara, from the fort running north to the rapids of lake Erie. The islands between the great falls and the rapids they personally granted to sir William Johnson.* The Chenussios who became parties to this treaty had in the first instance declined to be present. They were consequently threatened that their absence would be construed into an act of hostility, and that their lands would be ravaged; they accordingly attended, with the result I have described. Johnson in a letter on the subject explained that he could not decline the offer made to him of this present, without the Indians considering the refusal as an insult; he had, therefore, accepted the islands. They consisted of about 15,000 acres with large grass meadows, absolutely necessary for the oxen and horses to be employed in the service, there being no such cleared land near the fort; he therefore made an humble offer of them to the king. The Shawanees and Delawares did not appear; they sent an insolent letter, which they had forced a prisoner to write. Pontiac with the Miamis did not attend. He was, however, represented by a messenger expressing his desire for peace. Johnson formed the view that it was apprehension for his own safety and those with him, which prevented his attendance at the congress. The Pottawatamies failed also to be present for the same motive.

Johnson wrote to the lords of trade concerning this meeting, that the Indians having their homes at a distance from settlement were so jealous of the British, and so sensitive of being denied favours to which they were accustomed, that they would not consider the peace binding, unless followed by periodical gifts to assure their observance of it. They were all desirous for the trade to recommence. Johnson promised it should be re-established when the inimical tribes had been brought to reason, for if they could not obtain trade they would certainly plunder. The people in the provinces were likewise anxious to engage in these operations, thousands

* Johnson to Halifax, 30th August, 1764. [N.Y. Doc., VII., p. 647.]

obtaining their living by it, and if their profits from this source failed, no remittances could be made to Europe.

There was but one mode of acting, Johnson pointed out: to conquer Indian prejudices by generous treatment. It was the only plan to assure quiet, and the posts, convoys, traders and frontier settlers were at all times in their power. In each case they would be surprised and killed, before help could be brought. The last campaign had taught the Indians their power. "They saw themselves able to effect what was looked by many of our prejudiced Politicians here as utterly impossible, notwithstanding all my remonstrances founded on many years' experience," were Johnson's emphatic words.

He dwelt on the necessity of cultivating the favour of the Indians, and he considered that the outposts should be limited, and only those of the first rank retained. He pithily added that retaining "posts two or three hundred miles distant did not make us masters of a foot of ground between them; instead of awing the Indians they were awed by them."

The proceedings of the Indian congress were brought to a close; but it was considered advisable for Bradstreet's force to remain, until the majority of those who had taken part in it had separated. It was only on the 6th of August that Bradstreet marched away with his force. Before his departure he heard from Gladwin that the Hurons of Sandusky and Pontiac's tribe of Miamis had sent in prisoners and had asked for peace. The Pottawatamies had followed their example. Gladwin however looked upon the proceeding with suspicion, as only a repetition of what had previously taken place.

Bradstreet having erected a fort at the entrance of lake Erie for the security of vessels navigating it, embarked on the 8th of August. He was here joined by 250 friendly Indians, 100 of them arriving from Canada.

On the 12th of August he arrived at Presquile, and here commenced the series of unfortunate mistakes committed by him in the campaign. He was waited upon by ten Indians, who represented themselves as having been sent as deputies

by the Shawanees and Delawares of the plains of the Sioto to sue for peace. They assured Bradstreet that all their parties who had acted with hostility on the Pennsylvanian frontier had been withdrawn, and that a treaty of peace could be made. It was not in Bradstreet's power to conclude any treaty; his duty was to act similarly as Gladwin had done, to grant a truce; to engage to cease from hostility; and to refer the matter to the commander of the forces. Bradstreet was too far removed from the scene of operations to form an opinion of the truth or falsehood of the representations made to him, and every consideration suggested his communicating with Bouquet before taking any steps towards so important an arrangement.

Instead of this course, which good sense and ordinary prudence should under any circumstances have exacted, he entered into a preliminary treaty with these men, recognizing them as deputies of the Delawares and Shawanees, by which he undertook in no way to attack the tribes within twenty-five days, and he further engaged to meet them at Sandusky to conclude the treaty, at which time they should deliver up the prisoners they possessed.

Bradstreet had himself selected three hundred Indians to accompany him; they included one hundred Caughnawagas and other Canadian tribes. On the appearance of the so-called Shawnee deputies, they were opposed to the latter being received, being satisfied that they were not what they represented themselves to be; but Bradstreet would not listen to them. The officers were equally against the negotiation. We have Johnson's authority for the statement, that those impostors, as he terms them, desired to know "if he was coming upon peace or war, for the latter was as agreeable to them as the former."* Bradstreet replied that he was glad that they were peacefully disposed, for such was his own feeling, and he proceeded to make the unwarrantable concessions which affected disadvantageously, not only the spirit of the Indians, but the men of his detachment. An exercise of

* N.Y. Doc., VII., p. 687.

authority of this character was in opposition to the instructions given to Bradstreet, and was at variance with the plan of the campaign. The latitude allowed him did not justify him in departing from the general tenor of his orders; and to whatever extent this latitude might be construed, the power of making peace, even under circumstances justifying the proceeding, had not been included. The limit of modification to the plan of campaign was, at the most, to grant a truce, subject to the approval of the commander-in-chief, leaving to the latter the responsibility of laying down the conditions on which peace would be accepted. What made Bradstreet's conduct the more reprehensible was that he was junior to Bouquet, who had been long engaged on the frontier, and only the previous year had won the brilliant victory of Edge hill. Bradstreet himself was inexperienced in this western warfare. Bouquet, on the other hand, had been actively engaged in such duties from the time of Forbes' advance upon Pittsburg. Bradstreet knew little of Indian life around the lakes, and this ignorance was partially the cause of his blundering misconduct. The Shawanee chiefs who waited upon him were without credentials, and were unsupplied with the wampum belts indispensable in every negotiation, having only one small belt of no significance. In all accounts of the Indian treaties, without exception, after every accepted condition, the significant words "a belt" appear. Bradstreet could not but have known the ruthless hostility of the Shawanees and Delawares, in murdering settlers and committing depredations. They were the cause of his presence on lake Erie with the troops he was commanding. The most careful consideration should have been given to any deputation, professing to represent the tribes which had failed to appear at Niagara at the general conference. Moreover, in this case their true character was undefined; they might have been a band of wandering Indians on an expedition to murder and rob, as for any other purpose.

Bradstreet fell into the trap ; he not only accepted the negotiation as genuine, but he engaged to grant peace on the

conditions submitted. Having himself disobeyed his orders, Bradstreet adopted the extraordinary course of writing to Bouquet that it was unnecessary for him to proceed in his expedition, submission having been made by the tribes that Bouquet was preparing to attack. What made this act of folly the more striking was that Bradstreet, being junior to Bouquet, had to receive orders from his senior officer, not to give them. Bradstreet also wrote to Gage, informing him of the step he had taken, claiming credit for his diplomacy.

His conduct caused the greater displeasure, as there was little difficulty in estimating the true character of the concessions he had granted. The design, Gage wrote to Halifax, was to ward off the blow threatened by the approach of the troops, and, while amusing Bradstreet with offers of peace on lake Erie, the tribes with which Bradstreet was negotiating were committing murders on the borders of Pennsylvania, in one case murdering several children, inmates of a school-house, with their teacher. Gage resolved that the troops should steadily pursue their first policy, and wrote sternly to Bradstreet, annulling and disavowing the peace he had made.

Bouquet received at fort Loudoun the letter from Bradstreet informing him of what had been done at Presquile. He forwarded it to governor Penn of Pennsylvania, expressing the desire that the peace should not be confirmed; no satisfaction had been insisted upon, and he trusted that he would not be a witness to a transaction* which would fix an indelible stain upon the nation. For his part, he would take no notice of the intended peace; he would proceed on his own expedition, and treat as enemies all the Shawanees and Delawares, until he received orders to the contrary. He wrote in the same strain to Gage, telling him that the terms were such as to fill him with astonishment. He spoke of the perfidies and murders still practised; the parties, even on the 22nd instant, had killed six men and taken away four children, and he related the slaughter of a schoolmaster and some children in a school-room. He dwelt upon the disgraceful conditions

* Fort Loudoun, 27th August, 1764. [Can. Arch., A., 7, p. 67.]

which had been accorded. Personally such a treaty was an affront to himself, having been made by a junior officer without reference of the matter to him. On the contrary, Bradstreet had taken upon himself to assure the Indians, that he would prevent the column of Bouquet acting against their villages. The news had caused the greatest indignation throughout the community, and especially in the force. On all sides, the strongest reprobation was expressed at Bradstreet's conduct. For his part, he could not be reconciled to any peace if the villains remained unpunished.

Bouquet wrote to Bradstreet from fort Bedford with studied self-control, disapproving the peace, and saying that the final conclusion of it should be postponed. He explained that he himself was going forward on his expedition, and trusted that Bradstreet would be at Sandusky, prepared to attack the Ohio tribes at the same time. The news seriously interfered with the formation of Bouquet's forces. On the report reaching the eastern part of Pennsylvania, the Pennsylvanian volunteers declined coming forward.

On hearing of Gage's refusal to ratify the treaty, Bouquet again wrote to Bradstreet, that no terms would be granted to the tribes unless they delivered up the promoters of the war to be put to death, and they would then be permitted to send deputies to discuss the terms of peace. In case of refusal, Bouquet would immediately attack them. The general had renewed his orders that he should do so in concert with Bradstreet; accordingly he would cross the Ohio on the 1st of October and march to the Muskingum, and he requested Bradstreet to begin his attack in that direction, to divide the attention and forces of the enemy. He asked that one hundred Indians might be sent him, with some white men; or if that could not be done, one hundred Canadians to act as rangers. In the meantime, Bouquet kept it perfectly secret that the peace was repudiated by Gage. He allowed it to be generally believed that the terms were accepted; he thus brought his convoys up without interference, and in sending to Bradstreet a notification of the general's determination,

the true letter was sewn into the saddle of his messenger ; a false letter was carried openly, so that if taken by the Indians they would believe peace still prevailed. The false letter was to the effect, that as many of the prisoners to be delivered up at Sandusky were natives of Pennsylvania, he would send captain McKee to receive them and to execute any order Bradstreet might give. After delivering his message McKee was to return, as owing to his knowledge of the Shawances he was very useful to Bouquet.

Bradstreet followed lake Erie to Sandusky, the point at which he was ord'red to commence his operations by attacking the villages of the tribes in the neighbourhood, the Wyandots, Ottawas, and Miamis. From the strength of his force he must virtually have been unopposed, and it was in his power to have summarily chastised these tribes and have exacted the most humble behaviour. Again he acted with a misconception of his duty. A deputation waited upon him with protestations of submission, and undertook to follow him to Detroit and there conclude a treaty. Bradstreet seems entirely to have lost sight of the circumstance that, had these tribes really desired peace, and were acting in good faith, it had been in their power a few weeks back to obtain it by attending at Niagara. He however considered that he had achieved all that was necessary by the appearance of himself and his column, and that by his presence he had perfectly pacified the west. From Sandusky he sent off captain Morris to ascend the Miami to the portage, thence to cross to the Wabash, descend that tributary to the Ohio, and so reach the Mississippi and the Illinois country. Morris was accompanied by a small detachment of Canadians and Indians.

Bradstreet's reports to Gage shew his sanguine hopes of the success of Morris' mission. The latter was furnished with a belt to one Saint Vincent which had been given by Pontiac, and Bradstreet conceived that by these means the Illinois would be reached in safety. Pontiac, he wrote, still retained great influence, and was now tractable ; Bradstreet expected to meet him at Detroit to carry out the peace. Morris

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ascended the river to the rapids, where he was met by Pontiac. The letter of the Ottawa chief of the previous autumn to Gladwin, praying for peace, was of but a few months' date. He had since met the French officials, and received from them fresh inspiration touching the engagements he had enterd into. When Morris told him of the peace with the Shawanees, he received the news by exclaiming, "all the English are liars," producing a letter of a Frenchman setting forth that the French king was on his way with sixty ships to drive the English out of America.

The party, however, continued their journey, and on the 7th of September arrived at fort Miami, the post which had been under the command of Holmes, so treacherously murdered on the 27th of May. It was soon made plain that it had been resolved to prevent any further advance. Morris was ill-treated, his life threatened, and he was ordered not to leave the fort. The French settlers were forbidden to receive him. This treatment was explained by the presence of a deputation of the Shawanees and Delawares with fourteen belts and six strings of wampum, who on their own part and that of the Senecas, declared no peace had been made. For two days Morris was exposed to great danger. There was an appearance of the desire to put him to death. It was possible that this design was only simulated, in order to lead him to believe that it was impossible for him to continue his route, and consequently that he would turn back.

Had Morris been killed, Bradstreet was in the neighbourhood to inflict a terrible retribution, and even his fatuity would scarcely have patiently submitted to the outrage. On all sides Morris was warned not to persevere in his journey: it is questionable if he could have induced his Indians and Canadian escort to have accompanied him, owing to the impression made upon them by the French and Indians around the fort. On the 9th, one of his attendants, Saint Vincent, subsequently much compromised in the Illinois intrigues, told him that the Shawanees had determined to murder him. On the 10th, Morris and his party resolved on

turning back. They made their way to Detroit, where he expected to meet Bradstreet; on his arrival he found the latter had left for Sandusky. Morris was too ill to join his commander, and had to content himself with sending a copy of his journal; in doing so, he gave as strong expression to his own feeling of indignation as circumstances permitted.

From Sandusky Bradstreet had crossed lake Erie and ascended the Detroit river, having arrived at the fort on the 26th of August. The old garrison was relieved, and Bradstreet called a council, which met on the 7th of September: Pontiac was not present; and several of the Indians who had been engaged in the attack of the fort had thought it prudent to leave, and were absent. Those of the Canadian settlers who had actively assisted Pontiac had also wisely taken their departure. The tribes which remained really desired peace. They consisted of the Ottawas, Ojibeways, Pottawatamies, Miamis, Saakis, and Wyandots. The Wyandots of Sandusky alone by attending had kept their engagement. The conditions accepted by the tribes were however of such a character, that hereafter, they could be ignored by those subscribing to them, when they were in a condition to act hostilely. Bradstreet seems to have thought that he had obtained an important political concession, when the tribes agreed that they would call the king of Great Britain father, and not brother. An unwarrantable irregularity on his part was, to conduct his negotiations through a French interpreter, so that his own officers did not know what was taking place, and the friendly Indians were affronted at being kept in ignorance of what was going on.

Johnson stated* that several who joined in these conditions were those who had previously attended at Niagara. In this treaty, "huddled up" as Johnson describes it, not a word was said of subjection and dominion; and Bradstreet pardoned some of the most notorious of the Canadian settlers about Detroit who had been prominent in the attack of the fort.

One important matter was accomplished by him, the garri-

* To Lords of Trade, 26th of December, 1764. [N.Y. Doc., VII., p. 686-8.]

son at Detroit was relieved, and the troops who had stood the brunt of fifteen months defence and anxiety were replaced by another detachment. The soldiers who had fought by the side of Gladwin, with their commander descended the lake to Niagara, thence to reach the New York western settlements, in the hope of obtaining some months of peace and rest. In October we hear of Gladwin in New York, when he applied for leave to proceed to England.

Bradstreet succeeded in passing a vessel up lake Saint Claire to lake Huron ; his surveying party had been fortunate in finding out a channel through the flats. Accordingly he sent up a detachment of the 17th, under captain Howard, to take possession of the fort of Michillimackinac. Shortly afterwards both Sault Saint Mary and Green bay were reoccupied. Bradstreet is also reported as having made several grants of land near Detroit and lake Erie to some of his officers and the French inhabitants ; a proceeding both beyond his power and most imprudent. It greatly astonished and troubled the Indians, for they looked upon it as giving away their hunting grounds without their consent or approval.

Having concluded this peace, which in his letters he represented as of the highest moment, but which, throughout the whole extent of the northern provinces, was condemned as impolitic, insufficient, and discreditable, Bradstreet sailed down the Detroit river and crossed lake Erie to Sandusky. He expected to meet the representatives of the Shawanees and Delawares, to conclude the peace he had taken upon himself to accept at Presquile. The time had expired for their appearance, but none were present. A small deputation subsequently arrived, and these parties pledged themselves if he did not attack their villages, they would bring in the prisoners held by them. At this place he received Gage's letter severely blaming him for his conduct, repudiating the so-called treaty, with orders to disregard it, and to co-operate with Bouquet in the attack on the Shawnee villages of the Scioto. There were two routes to the Ohio : one to ascend Cayahoga creek and portage to the Muskingum : the second

by following Sandusky creek and taking the portage to the Scioto. To add to his perplexity, he received captain Morris' journal, which contained the unpleasant reading of that officer's failure to reach the Illinois, his narrow escape from death, and the declaration of the Shawanees that they would never make peace. An enterprising officer would not have delayed an hour to perform the duty imposed upon him, but Bradstreet, who five years previously at Cataraqui had obtained some reputation, can only be remembered in this campaign by his reprehensible indecision. A few days would have brought him in junction with Bouquet, but he made no movement. His excuse was that, owing to the dry season, there was a want of water in the river Sandusky, and that there was a long portage by the Cayahoga. He remained idle at Sandusky; the troops became depressed, discontented, and suffered from sickness. A few days activity and danger would have brought out their *élan* and spirit. The Indians were alienated by the treatment they received. Bradstreet made some show of sending out parties, but the Indians declined to go alone. They expressed their willingness to march with the army, but they refused to be sent out in parties to meet an enemy, with whom the commander had treated, but would not attack with his own troops.

Bradstreet, affecting to think all movement was impracticable, that he was short of provisions and the season late, determined to return homewards. He broke up the camp and left Sandusky on the 18th of October. On descending lake Erie a violent storm burst over the detachment. Johnson in his report says that Bradstreet halted by an open heath, where within two miles there was a river, in the waters of which he would have been well protected. The consequence was that twenty-five of the boats were lost and damaged, and there was an insufficiency of transport to receive the troops. It therefore became necessary that the Indians and some of the provincials should make their way along the lake shore to Niagara, a distance of two hundred and sixty miles through thick forests, with numberless water courses and

many large rivers to pass, and with only an imperfect supply of provisions.

Those despatched by this route had to force their way, making their own trail, meeting "swales"^{*} and morasses and low ground covered with water, owing to the season of the year. Suffering from cold and hunger they had to swim the greater rivers or make rafts to cross them. The privation and toil were most severe and exhausting, so that many succumbed to these hardships and died.

The boats carrying the troops reached the Niagara portage on the 4th of November, seventeen days after leaving Sandusky. Even then Bradstreet's misfortunes were not complete, for one of the vessels, the snow "Johnson," foundered in sight of Oswego. The men were however saved.

Thus Bradstreet's inglorious expedition, from the commencement to the close, was marked by the folly and incapacity of its commander. Had his misconduct not been remedied by the genius and energy of Bouquet, very great injury would have been inflicted upon British prestige. At the first stage of his expedition, either from his failure to understand his duties, or by the desire to gain distinction for himself alone, he had been duped by a few straggling Indians whose design to deceive him was unworthy an hour's consideration. He abandoned his instructions to follow his own theories, disregarding prudence and expediency. He alienated the Indians to such an extent that Johnson expressed his fears that they would not again be induced to act on the British side, and the provincial officers were alike repelled by his offensive and domineering manner. The expedition furnished one of the many proofs to be read throughout the pages of history,

* "The word "swale" may call for explanation. It is in use to denote an undrained track of hard ground, upon which, from its relatively low level, water lies for nearly the entire year. Differing from the morass, in which a pole of some feet in length can be driven by the hand, the "swale," when the water is turned off, becomes firm land, fit for agricultural purposes without any special draining. There is a verb "swale," or "sweal," the meaning of which is, to melt away. What connection it may have with the word in use on the northern American continent, remains a matter for enquiry."

to how great an extent, the success of an enterprise depends on the genius and character of its commander. The failures and triumphs of every age and every country shew how much is owing to the ability, judgment and prescience of one man, who, while organizing his force for the hour of triumph to seize every advantage to attain the end desired, can in the darkest reverse inspire confidence, courage, and that rare quality by which the battle of life in every aspect is won, unflinching endurance. To a mind thus constituted, events however untoward are never overwhelming; they even become subordinate to genius and courage. The plans which have been conceived are modified or widened, in the face of unlooked for misfortune, as prudence and judgment dictate. It is one of the curses of incapacity, that not only the most favourable circumstances are ignored and neglected, but that even the opportunity of certain success is seized in the wrong spirit and at the wrong hour, and misapplied to end in failure and disgrace. No greater example can be furnished of this truth than in the difference of the leadership of Bouquet and Bradstreet, for while the latter was one of disappointment, disgrace and loss, the former presents as brilliant a chapter in the history of the continent as may be found in its annals.

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CHAPTER VII.

It was not until the end of July that the troops furnished by Pennsylvania, one thousand men, could be assembled. On the 5th of August they were at Carlisle, one hundred and eighteen miles west of Philadelphia. They were here received by Bouquet and by governor Penn. The latter addressed them on the crisis in which they were engaged, and appealed to their patriotism and courage for the zealous performance of their duty. On the 13th the troops reached fort Loudoun, within twenty-eight miles of fort Bedford, from which place the march forward was to commence. The desertions from this force were so continuous, that by this date only seven hundred of the battalions remained. In his difficulty Bouquet appealed to Fauquier, governor of Virginia; in consequence of Fauquier's exertions, a detachment of Virginian volunteers joined the force at fort Pitt. These men not only remained by their colours, but proved most effective in the advance.

Colonel Reid, the second in command, left fort Loudoun on the 16th, with nine hundred horses, cattle and sheep, with an escort of one hundred and fifty regulars and three hundred provincials. Bouquet was to follow him in twelve days. Although Bouquet had disavowed the peace made by Bradstreet, and had written strongly against it to Gage, he kept his opinions secret. He acted, as if he considered that the negotiations were pending, and that he would not interfere with them by any hostile step. He had bestowed great care on the organization of his force, and his march was made with every precaution. His prudence, in leading to the impression that he was equally a dupe with Bradstreet in the promises made at Presqu'ile, had its part in enabling him, without interruption to obtain the supplies he required and to march to fort Pitt unopposed. He arrived there on the 18th of Septem-

ber. During the next three days the convoys of captain Ourry and captain Hay joined, everything being in good order, no accident having happened.

A few days before he reached fort Pitt, on his march from Bushy run, Bouquet learned by a letter from colonel Reid, at fort Pitt, that ten Delaware Indians had arrived, among them two known chiefs, captain Pipe and captain Jacob. They stated that they desired to speak to the commandant. An armed *bateau* was sent to receive them. Captain Pipe alone came over, and with visible reluctance. Pipe's explanations were unsatisfactory. He said that he had heard from the Six Nations that peace was made with Bradstreet, and the Delawares were anxious to know if such was really the case. As no belt was produced and no message ceremoniously delivered, Reid desired him to send for the rest of the party. Five only accepted the invitation, with a white man named Hicks, brother of Gershon Hicks, whom Bouquet, in his correspondence, terms a most atrocious villain. Bouquet at once sent a message desiring Reid to detain them until he came in person.

On Bouquet's arrival at the fort he asked for the attendance of the whole deputation, as he had matters of importance to communicate; the Indians who had remained on the opposite side refused to cross over to the fort, but declared their readiness to receive any message sent to them where they were. Having lost all hopes of a personal conference, Bouquet resolved to address them in the form they asked, but it was found they had all taken their departure. He accordingly despatched his message by one of the Indians who had crossed over to the fort, with instructions to return on the 29th of the month with the answer to his demands, and for security he detained the other parties as prisoners.

This document, a declaration of his purpose to attack their villages, set forth that he had received intelligence of their application to Bradstreet for peace, and he would not have formed the purpose of advancing against them if he had not heard that they had violated the engagements they had

accepted, and had committed several murders. Although resolved to proceed against them as a people whose promises could not be relied upon, he would even, at this hour, give them the opportunity of saving themselves and their families from destruction, if they would render satisfaction for the hostilities they had committed. First: they had to leave the path open for an express to proceed to Detroit. He desired to send two messengers to Bradstreet; he asked for two of the tribe to accompany them and conduct them back in safety. If accident happened to his men going or coming, and the letters sent were taken from them, he would put to death the two chiefs in his power, and would shew no mercy to those falling in his hands. He would allow ten days to go and ten to return. This resolute tone worked its effect; the chiefs saw that the days of trick and evasion were passed, and that they had to accept the terms offered, or fight in a war without quarter, with the leader who a few months earlier had thoroughly defeated them. An entire revulsion of opinion took place among them. There was no longer the demand for war, and the Indian councils were turned entirely to the side of peace. While carrying out his organization to commence his march, on the 2nd of October, two of the Six Nations, an Onondaga and Oneida, came to fort Pitt, and, dwelling upon the old friendship which had long existed between their people and the British, and on the pretence of sympathy and regard, they endeavoured to dissuade Bouquet from proceeding with the expedition. They pointed out the difficulties to be contended against, the large number of the fighting men of the tribes opposed to him, and that the roughness of the thickly wooded country made it difficult to penetrate. Indeed, that the expedition was unnecessary, as the tribes were bringing in prisoners as fast as they could be collected. Bouquet correctly saw that it was an effort to gain time, so as to retard the expedition, until from the lateness of the season it became impracticable, and he gave no heed to their objections.

He simply told those who volunteered this advice to pro-

ceed to the Shawanee and Delaware villages and notify them that he was commencing his march to chastise them for their cruelty and treacherous breach of faith, unless they made submission, released their prisoners, and atoned for the blood they had shed.

The troops marched out of fort Pitt on the 3rd of October. The column consisted of 500 men of the 42nd Highlanders, 60th Royal Americans, and the 77th Montgomery's Highlanders. They were mostly those who had been present in the gallant fight at Edge hill on the 5th and 6th of August of the preceding year, and knew well the duty and perils of the expedition. There were 700 Pennsylvanian provincial troops lately raised, and 248 of the Virginian militia present as volunteers, who were the more valuable that they sought the service from sympathy with the cause, and with a full sense of the responsibility they accepted.* One hundred and ten Virginian volunteers had arrived on the 25th of September; the remainder followed in a few days under lieutenant colonel McNeil. One painful duty had been enforced, the execution of two deserters, one from the 42nd, the second from the 60th. This crime had become so common that some fearful example was considered necessary, and the two men were shot in the presence of the garrison.

The value of Bouquet's service on this occasion can be best understood by a description of it. He was to march an armed body through a country which had never been penetrated but by the Indian and some few traders. With the exception of the expedition of de Céleron in 1749,† no organized force had ever made the attempt to pass through it, and on that occasion the expedition was made by canoes. De Céleron

* At the close of the war, although engaged in operations in which Virginia was directly interested, the house of burgesses refused to pay the Virginian militia present as volunteers, from the time they left their stations in the province. "This is surprising," Gage wrote to Halifax 27th April, 1765, [Can. Arch., A. & W. I., 121.2, p. 553] "considering the service they did their country by such a spirited behaviour." The commissioners of Pennsylvania removed the difficulty by consenting to make the payment.

† *Ante*, vol. III., p. 396 et ult.

reached the Miami, which stream he ascended and afterwards made his way to lake Erie. Bouquet's advance was on foot.

The difficulty of obtaining supplies and delivering them at fort Pitt had been immense. The last settlement was Carlisle, 202 miles distant, the point where in the first instance they had been stored. Excepting the two posts of Bedford and Ligonier, the intervening forest was unbroken. The narrow line of road, in good weather fairly passable, was the exception to its loneliness. West of fort Pitt the trail was not even known except to the Indians, who followed it in their periodical hunting expeditions. The weather was pleasant and agreeable, being the first week of October ; the nights are not then unduly cold, wet has not set in, and the bivouac fire with its heat and cheery flame, always brings with its warmth the craving for rest, if incentive to sleep be required after a long and weary tramp in the woods. The flies have then disappeared or are comparatively harmless. There was on this occasion no difficulty in obtaining water, and the heat at mid-day was not powerful and oppressive as in the summer months, often telling even on the strongest frame. Everything was in Bouquet's favour. But the territory was unknown to him and he had to trust to his guides. Many small streams had to be roughly bridged, many swamps passed through, if to skirt them was impossible. Whatever the difficulties of this character, they were more or less calculable. The main danger lay in an attempt to surprise the column on the march, the hostile tribes selecting the spot where the attack could be made. This contingency Bouquet thoroughly understood, and every precaution was taken to make surprise impossible.

On the other hand, whatever the risks of the land march, it is plain that they were less than those to be encountered in the descent of the river. We have seen how Foster had been stopped in the ascent of the Mississippi ; and the Ohio offered many spots where similar interruption could be experienced, so as at least to cause confusion and loss. One important duty must be borne in mind, that of bringing with the column every mouthful of food which would be necessary.

The supplies had to include all that was required for the march forward, the halt, the return, indeed for the whole campaign. They had to be carried on pack-horses and mules, not with safety only, but preserved from the inclemency of the weather. Little in the shape of food could be gathered on the route, or from friendly tribes, and the possibility of any future deficiency of supplies was, in other words, starvation and the failure of the expedition.

The march was consequently carefully considered; one woman of each regiment and two hospital nurses were alone permitted to accompany the detachment. The Virginian volunteers formed the advance guard, three scouting parties being detached, that of the centre attended by a guide; the two others extended right and left to reconnoitre the woods. The axemen, under the engineer, followed in three divisions to clear the way. The troops marched, so that in event of attack a square could be formed, the 42nd to occupy the front; the 1st battalion of Pennsylvanians the left face; two platoons of grenadiers, the right face; the Pennsylvanians the rear. The light horse succeeded, the Virginian volunteers formed the rear-guard. The tools and ammunition, the officers' baggage, the tents, oxen, sheep and pack-horses, were enclosed in the square. The troops were enjoined to march in profound silence, each man at two yards distant from the one before him. When a halt took place, all were to face outward; thus, full disposition was made for resistance against attack. The first three days' march, for the distance of twenty-seven miles, generally followed the course of the Ohio to its bend, near Big Beaver creek. On the fourth day the river was abandoned and the route took a western direction. An escaped prisoner, who had been seized by a party which was prowling about Bedford, here joined the troops. He brought the information that the force had been reconnoitred by the Indians and they had kept themselves concealed, deterred by its numbers, its order and discipline. As the troops were leaving the banks of the Ohio, their attention had been attracted by the skull of a child placed upon a pole; not a

spectacle to impose thoughts of gentleness on the armed men who looked upon it. The detachment passed through several spots now deserted ; the ruins of places that had been held of importance at the commencement of the struggle between France and Great Britain. Logstown, now scarcely traceable, attracted de Céleron's* attention in 1749 by the activity of the Shawanees and Delawares dwelling there, and had been specially visited by Croghan. They passed Great Beaver creek; a short distance below its junction with the Ohio stood the remains of a town of some size, established by the French for purposes of commerce with the Shawanees and Delawares and Mingoes. The square logs of the dwellings and the stone chimneys still remained. It had been deserted when the French abandoned fort Duquesne in 1758. They reached a point in the trail where the bark of the trees had been cleared away, to admit the production of several Indian drawings, recording previous wars, their successes, with the prisoners and scalps taken ; a monument to warn them that the Indian population was numerous. The march was through a fine rolling country, with hills and valleys covered with magnificent timber, and in all directions water was met in rivulets and larger streams. Often, as the force gained a height, the beauty of the landscape impressed all who looked upon it, although their thoughts were seriously occupied by the duty which they were performing. From time to time the country became densely wooded and the road exacted unusual labour. Where the stream was not fordable, bridges were constructed for horses to pass. Occasionally they came to an outcrop of rock, to shew that the territory possessed the additional requisite for settlement ; good building stone. They passed over natural savannahs, miniature prairies which in the distance ascended to higher ground and were well watered. The territory thus traversed impressed those who saw it, by its capabilities of being made available for civilization ; the more strongly felt, because no interference was attempted with the advance.

* *Ante*, vol. III., p. 401.

The march had been steadily continued for eleven days, when a wide creek discharging into the Muskingum was passed. The main branch of the river was reached, about seventy yards wide, with a good ford. The detachment passed to the west side; a little lower down and above the forks was a spot known as Tuscarawas, which contained the trace of a former village, estimated to have been inhabited by one hundred and fifty families of the Delawares.

The force had marched without a halt, and were ninety-six miles from fort Pitt. Following the course of the Muskingum, the spot they had reached was something more than a hundred miles from the junction of the river with the Ohio. Bouquet therefore unopposed had arrived in the neighbourhood of the villages of the Delawares, the Shawanees and the Mingoes. It was Sunday, the 14th of October, the twelfth day, and the troops halted for a few days rest.

Bouquet was here joined by the two men he had sent from fort Pitt with despatches to Bradstreet. They explained that having met several parties of Delawares, their guides, Indians of the Six Nations, had told them that if the messengers themselves carried the letters they would not be safe. The Indians accordingly undertook to deliver them at Sandusky, suggesting that the white men should proceed to the Delaware towns personally to deliver the message of Bouquet. They found the savages busy in constructing canoes and making preparations with their families to leave the country. On hearing of Bouquet's proposal for peace, on the conditions he had named, they expressed great gladness, at once abandoned their work and sent runners in all directions to summon the chiefs. On the arrival of the several chiefs, a letter to Bouquet was signed by them, thanking him for the promises he made with the assurance that they would come to meet him. Accordingly, on the 15th, they arrived at Tuscarawas, and behaved with the utmost submission. They agreed to deliver all their prisoners on the 1st of November. As Bouquet persevered in his design to reach their towns, they gave their consent that he should do so, and furnished four men as guides.

Bouquet was now in the heart of that country which the Indians had considered to be impenetrable, from the protection of the intervening forests, whence they had uttered their insolent defiance, when called to account for their murders and depredations. These tribes had suffered no wrong. There was no injustice to complain of in their intercourse with the British. It was they who had been the aggressors, led on by French intrigue, influenced by gifts, the promise of the consideration they would receive in the future, and by the hope they would keep their country as hitherto, a wilderness for their villages and hunting grounds, where the trader could come to supply their wants, and then immediately depart. They had endeavoured to enforce this policy by a treacherous terrorism, striking down the weak and plundering when they could make inroads. Now the day of reckoning had arrived.

Bouquet's presence had the more influence on their minds, because his threats had been fully carried out, and the end he proposed had been attained. He was in their territory, as he said he would be, to accept their submission or chastise them. Astonishment that his force had accomplished the march led to the exaggeration of its strength; and the regularity with which the advance had been made, overcoming the difficulties which they believed made their home impregnable, became the more depressing from its success. They knew likewise that Bradstreet was at Sandusky ready to attack their rear. They had but one of two courses open to them, to submit or to fight. Their heart failed them, and they accepted the conditions offered them. They knew, moreover, that on this occasion the engagement they would accept was not a mere matter of promise. With the Indian, peace was a word which had meaning only in the ratio that its observance could be enforced, and these tribes felt that on this occasion there was the strength to exact the conditions conceded.

Bouquet's duty was exceedingly difficult in these negotiations. The Indians produced the original treaty with Bradstreet; Bouquet's fear was, the possibility that they would abandon the negotiations and retreat to the mountains. The

one object desired by him was the attainment of a safe and honourable peace, and he was greatly in dread that he might fail to accomplish this end without wearisome and exacting warfare.

Anticipating the arrival of the chiefs on the Monday, Bouquet moved his camp two miles down the river to a spot where there was a high bank, a freedom from small bush and plenty of food for cattle. He may not have feared treachery, but he felt it his duty to guard against it, and at this place precaution could be sufficiently taken with little tax on his men. The following day a deputation of six chiefs arrived to inform him that all their chiefs were assembled below, asking him to appoint a place for holding a council. Bouquet named the succeeding day, at a spot a short distance from the camp on an open space. At the appointed hour he proceeded thither, and with his whole force drawn up in array he awaited the arrival of those who had sought the interview. His object was two-fold, to make surprise impossible, and to present such an exhibition of strength as profoundly to impress the chiefs with whom he had to negotiate. It was indeed no light matter for them to behold a force imposing from its numbers and discipline, which it would be madness on their part to attempt to resist, that had penetrated one hundred miles of forest never before traversed but by the native tribes. The troops stood in all the immovability of discipline, having perfect confidence in their leader, knowing well the work they had to do, should any demand upon their valour be made.

The deputies came forward with true Indian stolidity. The military display called forth neither remark nor start of astonishment. They must have conceived the spectacle they came to look upon, and in this point of view it could in no way have been a surprise. There were present the chief of the branch of the Senecas who had established themselves on the Ohio, likewise the Shawnee and Delaware chiefs : the orator of the latter was Turtle Heart, who spoke for the three nations, with every sentence presenting a belt. He

asked that his words might be listened to, that the war was the work of the nations to the west, and that for the future he hoped that there would be union. In proof of his sincerity he delivered eighteen prisoners, promising the surrender of the remainder so soon as they could be collected. He was followed by the other chiefs, each giving a belt of wampum, with a bundle of short sticks denoting the number of the prisoners each one pledged himself to deliver.

In accordance with Indian custom, after the acceptance of the belts the assembly was adjourned until the succeeding day. But the weather was stormy, so it was postponed until the following morning, when the meeting again took place.

One of the great marks of wise diplomacy is the capacity of forming a true estimate of the situation, and of judging when it is advisable to be conciliatory and yielding, when to be firm and unbending. This meeting was precisely a crisis in the history of the west, when the relations of the Indians with the white man were to be definitely determined. Bouquet, under the conviction that the hour was one when he had to speak plainly, told the chiefs, that their pretences to palliate their guilt were weak and frivolous. He set forth to them the perfidy of their attacks on the traders and king's troops, their murderings and plunderings, and their violation of their own customs, in killing those sent to them on missions. He charged them with having treacherously broken the peace made on the 10th of September with Bradstreet. At former treaties they had proposed to deliver up prisoners, but they had never complied with their engagement. "I am now to tell you," added Bouquet, "we will no longer be imposed upon by your promises. This army shall not leave your country, till you have fully complied with every condition that is to precede my treaty with you."

He had brought with him the relatives of those who had been massacred or made prisoners. They were impatient for revenge. Peace had been made with the other Indians; the Six Nations were their allies. The French of Canada were subjects of Great Britain. There were none who dare

aid the Ohio Indians, and it was in the power of Great Britain to extirpate them. But the English were merciful and averse to shedding blood even of their most cruel enemies. If they could convince the government that they repented of their past perfidy, and it could depend on their good behaviour for the future, they yet might hope for mercy and peace.*

There was no attempt at a reply. None of the Shawanees chiefs were present. Bouquet appointed a place for the delivery of the prisoners at forty miles distant, in the centre of the towns of the Mingoes, Delawares, and Shawanees. In the meantime he was hoping to be joined by Bradstreet; the latter never moved from Sandusky.

On the 23rd of October, captain de Hertel, a Canadian officer, joined with twenty Caughnawagas. He was the bearer of letters from Bradstreet from Sandusky, dated the 17th of October, in which the latter explained the necessity under which he was placed of returning to Niagara. The fact of his departure was known to the Indians before it reached the ears of Bouquet. Had Bouquet's force been weak, and his character less resolute, he might have been exposed to danger and trouble, arising from the discontinuance of the negotiations, if the Indians had been influenced by Bradstreet's expected advance. Fortunately they felt that the strength of the detachment unaided could not be resisted.†

Bouquet moved his camp to the forks of the Muskingum, where he arrived on the 25th of October. The spot was in the centre of the Delaware towns and near Wakatamake, the

* "I give you twelve days from this date to deliver into my hands at Wakatamake all the prisoners in your possession, without any exception, Englishmen, Frenchmen, women and children; whether adopted in your tribes, married, or living amongst you under any denomination and pretence whatsoever, together with all negroes. And you are to furnish the said prisoners with cloathing, provisions and horses, to carry them to Fort Pitt."

"When you have fully complied with these conditions, you shall then know on what terms you may obtain the peace you sue for."

Historical account Bouquet's expedition, p. 56. Clarke, Cincinnati, 1868.

† Bouquet speaks of him as Artel. It is curious that such should be the case, as Bouquet's language was French. Could de Hertel have anglicised his name?

most considerable of the Shawnee settlements. Bouquet had exacted the release of every prisoner; and here his demands had terminated. He had seen the impossibility of carrying out one part of his instructions, the enforced surrender of the authors of the war, to be put to death. Had he insisted on this point he would have had to seize them himself, and all hope of negotiation would at once have been destroyed. Indeed, the demand would have rekindled the war. He was therefore highly gratified that the settlement of the terms of peace had been left to his judgment by Gage, so that he could ask only what was attainable, and by moderating his conditions, be enabled with less difficulty to obtain them. The Indian's natural sense of justice would lead him to recognize the fairness of the requirement that all prisoners should be given up. With the exception that it had been extorted by force, and was a confession of weakness, it inflicted no wound on Indian pride. The reverse would have been experienced, if the surrender of prominent chiefs had been extorted, with the avowed object of inflicting the extreme punishment of death. The consequence was that Bouquet's conditions were accepted with little bitterness. Included in the peace were the Shawnees, Delawares, and some broken tribes of Mingoës,* Mohicans, and Wyandots. He obtained the following terms unconditionally: to deliver up their prisoners without exception; to give fourteen hostages as security for

* Bouquet described the Mingoës [Can. Arch., A., 7, p. 92] as belonging to the Six Nations who had established themselves on the Ohio, and were utterly without control. He recommended that they should be forced to return to the country to which they belonged. In a letter to Johnson [Can. Arch., A., 7, p. 96] he represents them as the most infamous and corrupt of all the savages, living altogether by robberies, and always spreading false reports to embroil matters, with a view to having a more favourable opportunity of plundering friends and foes. They had stolen sixty horses from his camp greatly to distress him. To Gage he writes: [A., 7, p. 97] "The Mingoës have behaved as usual, after stealing upon the march seven or eight of our best horses, they are run off. That vermin is not worth treating with. We shall however, have two hostages of those banditti when the chief returns from the lakes, where I have sent him to give an account of the peace. He is the only good man amongst them, but has little sway."

carrying out this engagement ; to commit no further hostilities ; each nation to send deputies authorized to conclude a peace ; and to ratify by a treaty the conditions they had accepted.

The Mingoos and Delawares without delay delivered their prisoners, even their own children born from white women, which, remarks Bouquet, considering their attachment to their children, is a convincing proof of their sincerity and humiliation. The Shawanees in the first instance refused to accept the conditions, particularly objecting to give hostages. Bouquet* at one period thought he would be forced to attack them. He dreaded that they would be driven to despair, and would massacre the one hundred and fifty prisoners known to be in their hands. Accordingly, he sought a private interview with the leading chiefs, and succeeded in convincing them of the folly of their obstinacy, and that by its continuance they exposed themselves to destruction : finally, they consented to accept the same terms as the Delawares.

They immediately delivered forty prisoners, giving six of their principal chiefs as hostages for the observance of the treaty, and they despatched parties in order to obtain the remainder of their captives, and conduct them to fort Pitt. They undertook, when the prisoners were all delivered, that deputies should meet Johnson, to agree upon the conditions of the peace. Some of the Shawanees deputies losing heart watched an opportunity to escape. The Delawares were very angry with this behaviour, and sent the Shawanees a message desiring them to furnish wiser men to make the peace. They even made light of the proceeding, promising they would see that the engagements entered into by that tribe would be fulfilled. The prisoners who had been surrendered informed Bouquet that the principal chiefs of the Delawares had been against the war, and that the troops who had been murdered had been killed, not by the Delawares, but by the Wyandots and Ottawas, and other western tribes.

At this date two hundred prisoners had been delivered, and

* Can. Arch., A., 7, p. 91.

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one hundred additional were expected from the Shawanees. Many of them from long captivity had become perfectly savage, and had to be bound, to be delivered up. In reporting the success of the campaign, Boquet bore testimony to the good service performed by the Virginian volunteers; he mentioned particularly the services of colonel Lewis, as it was to him he owed the reinforcement. He recommended that his son who had served in the campaign as a lieutenant should receive a commission in the regular force, as a debt due to the father's patriotism. He likewise described the light dress and activity of the Virginians as worthy of commendation, and as making a great impression on the Indians.

Previous to starting for fort Pitt, Bouquet sent some Delawares to the Wabash and the Miami to give notice of the peace, so that in that quarter there would be no excuse for further trouble. To Gage, he strongly recommended that the presence of traders should not be permitted among the Indian tribes, to cheat them and create feelings of enmity against the British; that the French from New Orleans should be entirely excluded from the British forts; that possession should be taken as soon as practicable of fort Chartres; and that armed *bateaux* should continually cruise upon the northern Mississippi, to prevent all traffic declared to be illegal.

Bouquet arrived at fort Pitt on the 28th of November. The Royal Americans at once marched to the east, followed, on the succeeding days, by the 1st and 2nd Pennsylvanian battalions. Five companies of the 42nd remained at fort Pitt; a company was placed at fort Ligonier; one also at fort Bedford; with half a company at fort Cumberland. On his return to Philadelphia, where he arrived about the 5th of January, Bouquet was received with the distinction which his eminent services justly deserved; in all quarters with respect and homage, especially by the families of the released prisoners. It had been an expedition without bloodshed, one soldier only having been found killed near the Muskingum, whose death remains a mystery. The probability is that it was caused by some imprudence of his own, and that the facts were known to Bouquet, for no reprisal was mentioned.

The peace obtained commanded the public confidence, for it was known to be based on sound principles, and that it promised to be durable, and not one of those illusory treaties to be violated on the first opportunity. The accomplishment of this desired event was everywhere recognized as a national benefaction. Prominent in the marks of public and private respect was the vote of thanks by the general assembly of Pennsylvania. It was carried unanimously at the first meeting of the house of representatives on the 15th of January, 1765. Bouquet had resolved to return to England; doubtless at this date his health was not what could be desired. The address records this intention, and continues, "that moved with a due sense of the important services you have rendered to his majesty, his northern colonies in general, and to this province in particular," in the remarkable victory near Bushy run, "striking terror through the tribes," laying a foundation for a lasting as well as honourable peace, "these eminent services and your constant attention to the civil rights of his majesty's subjects in this province, demand, Sir, the grateful tribute of thanks from all good men," and on behalf of themselves and the freemen of the province, the legislature tendered "their most sincere and hearty thanks." On the 4th of February, Bouquet replied in language equally courteous, not forgetting to do justice to the regular and provincial troops who had served with him, and wishing the legislature all prosperity and happiness.

The one mark of favour Bouquet received was to be made a brigadier, for which promotion he was chiefly indebted to Gage. Had Bouquet been a member of one of the great families he would have obtained honours and a pension, but such marks of distinction were reserved for the traffickers in political life, whose principal merit was subserviency to the crown.* George Grenville, then in power, had no sympathy

* Only a few months later, on his retirement from the chancellorship to accept the post of president of the council in the ministry of Chatham, lord Northington, one of the most unscrupulous of the "king's friends," who had constantly opposed his colleagues of the Rockingham administration, received a pension of £4,000 a year from the time he quitted office, and the reversion of the

with a character like Bouquet. His cold, methodical nature could test a service only by the political benefit he obtained from it, and in those days unless the claim was preferred from within the charmed circle of the "king's friends," there was little distinction to be obtained from the throne. When the marquis of Rockingham assumed office in July in the mother country, all memory of Bouquet's service had passed away, or if remembered, in no way received recognition. An honour similar to that paid by Pennsylvania, was voted to Bouquet by the house of burgesses of Virginia. Although of prior date, having been recorded on the 25th of December, it was not communicated to him until he had been notified of the thanks of Pennsylvania. A letter from governor Fauquier, expressing the highest esteem and consideration, accompanied the proceedings.

Such a vote from Pennsylvania and from Virginia, in each case, is the more remarkable when we bear in mind the events which rapidly followed it. Virginia, which had equally benefited by the peace, to obtain which imperial troops played so prominent a part, was the first to shew how rapidly all sense of it could evaporate. In the March of 1765, the American stamp act received the royal assent; in May, Virginia passed a resolution denying the right of the British government to interfere with the general taxation of the colony. In July George Grenville had ceased to be minister,* and in October, the first general congress of the colonies was held at New York. It was not until February of the following year that Philadelphia entered into the ranks of the opponents against the stamp act.

clerk of the Hanaper for two lives. Mr. Lecky describes this man "as a coarse, drunken, unprincipled lawyer, of no very extraordinary abilities." He had attached himself to the Leicester house set, and his service had been unflinchingly to carry out the royal will regardless of its justice or wisdom as subserviently and meanly as a eunuch of an eastern despot.

* "We are inclined to think on the whole that the worst administration which has governed England since the revolution was that of George Grenville. His public acts may be classed under two heads: outrages on the liberty of the people and outrages on the dignity of the crown." Lord Macaulay's *Essay "The Earl of Chatham," Edinburgh Review*, October, 1844.

On Bouquet's arrival at New York in April, he was informed of his promotion to the rank of brigadier general, and of his appointment to the command at Florida. He made preparations for proceeding thither, much of the detail of the command being in confusion. He returned to Philadelphia on the 17th of April, and on the 20th started in a small schooner to undertake his new duties. During the next four months we hear nothing of him. Mention is first made of his name in November, by Gage, in a letter to Conway, when we are told that Bouquet died at Pensacola, in the beginning of September, 1765. He was then about forty-six years old and unmarried. There had been an *affaire de cœur* between Bouquet and a young lady named Willing, belonging to a family of respectability living in Philadelphia. In 1762, she married a Mr. Francis, a man of independent means, who had arrived from London a few months previously. It may be inferred that some half-formed engagement between them had been recognized. Bouquet acutely felt this desertion, and he wrote with most depressed feelings of his disappointment. His old comrade Ourry endeavoured to give him consolation. It was his language on this occasion which reveals Bouquet's bitterness of heart.*

By his first will in 1763, Willing had been named his executor, to some extent shewing that the marriage of the daughter had not led him to break with the family. In April, 1765, a few months before his death, when it may be assumed he was suffering from illness, he made a second will, appointing Haldimand his heir and executor. Bouquet was a collector, and we owe to him the preservation of many

* "J'ai lu mon cher ami, et relu avec attention votre triste lettre du premier, et suis sensiblement touché de votre état. Je vois que votre esprit agité, comme la mer après une rude secousse de tremblement de terre, n'a pas encore repris son assiette. Je n'avois que trop bien prévu l'effet funeste ; plutôt à Dieu que je l'eusse aussi bien pu prévenir !

"Je suis attendri du récit touchant que vous me faites de votre situation douloureuse, et je vous conjure par ce que vous tenez de plus cher et de plus sacré, de ne vous pas laisser aller à la merci d'une passion qui vous mène, et qui vous privera bientôt, si vous n'y prenez garde, des moyens qui vous restent encore pour la dompter." [Can. Arch. Report, 1889, p. xxxi.]

important papers in the thirty volumes of "The Bouquet Collection" deposited in the British museum by Haldimand's heir.*

It is not only then as a statesman and a soldier that the fame of Bouquet should be perpetuated; he demands our respect as a man of letters. He has shewn by his careful preservation of historical documents his appreciation of their value in the future, when the history of the times in which he lived would be written. The student who patiently examines the evidence he gathered and saved from perishing, cannot fail to recognize the scrupulous honesty with which the collection has been made. His carefully gathered documents throw great light upon the events of that day. They have now been calendared, and the contents generally made known; excavated, as it were, out of the mine of the British museum, where so much pure metal lies buried in theoretically accessible MS., but, to continue the simile, only at the disposal of the literary delver and digger. These MS. volumes cannot fail to attract the attention of men of letters interested in the literature and the original authorities of the period, and we may look forward to see them widely quoted and adduced as authority in any disputed narratives. They establish the claim that Bouquet has on our gratitude in this respect, totally beyond the record of the more important service I have humbly striven to relate.

* Copies of these volumes have been obtained for the Canadian Archives branch, and have been calendared by Mr. Brymner the Archivist, with the judgment and care observable in his work. Vide Report, 1889.

I have made an unsuccessful attempt to determine the precise date of Bouquet's death and the spot where he was buried. I addressed the British consul at Pensacola, Mr. Osmond G. Howe, on the subject. After bestowing some trouble in the investigation, Mr. Howe was good enough to place me in communication with Mr. R. L. Campbell, of Pensacola, who has for many years studied the archives of his native state, particularly of the city of Pensacola. I learn from this gentleman, that there are no state papers bearing upon the British occupation, excepting some few relating exclusively to land. The episcopal church records go no further back than 1830. Indeed, there is nothing to shew that during the twenty years of British dominion there was a building known as the English

church, or even any organization as such, outside the garrison. There is no memorial to establish Bouquet's grave, or any tradition to determine the date of his death, or where he was buried, or indeed that he was ever in Pensacola. "There is no sign above earth," writes Mr. Campbell, "of a single one of the English population who must have died in Pensacola during the British rule of twenty years. Of their place of burial there is satisfactory evidence. It was situated on a bluff in the bay, not many feet above the water level. The spot was gradually undermined by the waters of the gulf, and towards 1870 several skeletons became exposed."

"There is, however, a passage in the volume of the Canadian Archives, 1885, sup., p. 153, which shews that Bouquet was buried in Pensacola. It is given in the calendar of the Haldimand papers, [B., 15, p. 84] being a certificate of John Vollam, dated Feb. 1st, 1770, of bricks used in Bouquet's monument." *

"We have in this record a proof of a structure of some magnitude, or at least of a size sufficient not to have utterly perished in the lapse of time which intervened to my boyhood. As a boy I was observant, and I can recall nothing in or around this locality of even an unpretentious structure of the character, built of brick. The erosion of the shore, mentioned by me, by which the English cemetery was washed away, occurred in the sixties. Vandalism is therefore the explanation of the disappearance of the structure. During Spanish rule, bricks were wanted, and, being costly, probably Bouquet's tomb supplied the demand."

The student of history, both of our own land and of Pennsylvania will, I am sure, join me in my acknowledgment of Mr. Campbell's assistance in placing before us, all the information which, it may be said, can ever be obtained on the subject.

It would be a graceful act on the part of the legislature of Pennsylvania on a site in the neighbourhood, protected from the breakers of the gulf of Mexico, to raise a monument to the man whose health was shattered in the defence of their territory, placing upon the column the words of the vote of 1765, in which the representatives of that day acknowledged Bouquet's "great services;" nearly the last of the many rendered by the mother country to their state.

* The reference to which Mr. Campbell directed my attention, sets forth that one thousand English gray stock bricks expended on general Bouquet's monument were lent for that service at general Haldimand's request, by his honour Montford Browne, the lieutenant-governor. As 1,000 bricks will give only about 50 cubic feet of work, it may be inferred that this quantity was asked to complete the tomb, and does not represent the extent of the structure.

CHAPTER VIII.

The peace had been concluded, but the occupation of the Illinois territory remained to be effected. Bouquet had considered that, quiet being established on the Ohio, the river could be safely followed to the Mississippi, and by this line of communication fort Chartres could be occupied by a British garrison. It was not expected it could be effected without opposition, or that the French would discontinue their intrigues to prevent it. "We may accuse the French," wrote Gage,* "in general terms, though we cannot fix the blame upon any one particular commander." But such evidence was not wanting. Major Smallman, a provincial major, a prisoner released by the Shawnees, bore testimony to the arrival of a French officer from the Illinois, who, in an assembly of the Indians, told them that a trader was coming to supply them with powder and shot, and he exhorted all present to put hatchets in their hands to attack the English. The powder and shot were delivered; a second supply came in September. The trader bringing it, hearing of the march of Bouquet's expedition, distributed nearly eight cwt. of this powder, and then left the place. Bradstreet wrote to de Saint Ange complaining of the influence exercised on the Indians to continue the war, and protesting against the false reports of the arrival of French troops. Especially he commented on the conduct of one Saint Vincent at the mouth of the Miami, urging the savages to attack Detroit. Bradstreet called de Saint Ange's attention to this infamous behaviour, and asked that a stop be put to it. There was never any absence of professions on the part of the French officials of their desire to promote amicable feeling, and to control the Indians, and in this case

* Gage to Halifax, 13th Dec., 1764. Can. Arch., A. & W. I., 121.2, p. 398.

it was pretended that the hostility of the tribes arose entirely from their unextinguished hatred of the British.

We have seen Pontiac's offer of peace to Gladwin in 1763 ; we hear of him again in the spring of the following year at fort Chartres, endeavouring to excite hostilities. He was busied until June in this attempt. Great distress had been felt among the Indians, and an appeal had been made to the commandant for aid.

There is little doubt that the Indians were in the habit of using language to suit the occasion, and habitually made the most contradictory professions to both French and British, as their interest suggested. The chiefs who thus found their way to the Illinois belonged to the Miamis, Mascoutins, Kikapoos and Ottawas. De Saint Ange told them that their sufferings were occasioned by their attacks of the English, upon which he received the reply, that they would prefer to die rather than make peace, and it was painful to them even to hear the contingency mentioned. Pontiac had been very active in encouraging this feeling of hate on his part at least sincere ; and he engaged in the spring to return to consider how the common cause, for such he declared it to be, could best be sustained.*

* It had been a constant custom with the Indians, during the century of war which prevailed between the French and British, to relate different stories to the two nations. Especially in Acadia, in the disputed territory, now constituting the state of Maine, so long the battle-ground on which New England contended with the Abenakis. The latter were urged to continual aggression by the jesuit missionaries, were led by French officers, and flattered by the officials at Quebec. Both in New England and Canada, as those in power listened to the Indian professions, they formed contradictory hopes that there would be peace, or continuous warfare. They seldom questioned the sincerity of what they heard. The later proceedings of Pontiac established that he had in no way abandoned the traditional duplicity of his race. His own interest was always kept in prominence, whatever the character of his professions ; what sentiment he felt was on the side of the French. After his negotiations with Gladwin he informed de Saint Ange that the Indians had returned to their first resolution, and that they had assured the English of their fidelity, with the desire only of destroying them. When Morris was made prisoner, the written instructions taken from him were sent to de Saint Ange, with the declaration that his intention was never to make peace, and he described the English as the most cruel of enemies. The stern diplomacy of

There was at this date a large trade to the Illinois country, in connection with New Orleans, in which d'Abbadie was accused of being directly interested, and it was one of the causes why every sentiment had been awakened in opposition to British interests. Pontiac, who visited New Orleans on his return, went among the Arkansas to increase their exasperation. It attained such intensity, that they searched ascending canoes to see if any Englishman was on board. On one occasion, a wretched deserter of the 22nd was discovered, and killed, for belonging to the service which he had betrayed and dishonoured.

D'Abbadie, the French governor of Louisiana, died at New Orleans on the 4th of February, 1765. His death removed much of the opposition which had been made against possession of fort Chartres being taken by the British. An attempt in another direction to reach the Illinois was more successful. Lieutenant Ross, of the 34th, worked his way up from Mobiie through the Chickasaws and Cherokees, finally by the Ohio and Mississippi to arrive at fort Chartres. The Indians coming to the fort shewed such hostility to his presence, that de Saint Ange told him he must leave; his life was not safe, for he could not protect him. D'Abbadie was succeeded by Aubry, the commandant of the troops. He wrote communicating the death of the late governor, and expressed his desire to promote harmony with the colonics. Aubry had been a prisoner with the British during the war, when he had been kindly treated. The intrigues of the traders remained, however, in all their force. Nevertheless, the peace being kept by the Shawanees and Delawares, the attempt to reach fort Chartres by the Ohio was considered

Bouquet, with the Shawanees and Delawares, the firmness with which he had exacted his terms, joined to the consideration shewn to the chiefs after their submission, conveyed teaching which Pontiac could not reject. He had been made to feel, whatever his hate and disappointed rage, that his efforts would prove impotent, however active his hostility, especially after his failure at Detroit. The secret mode, in which ammunition and supplies were furnished, necessarily limited the quantity, and in this embarrassment he was prepared to deceive both sides so long as it was profitable to do so.

feasible, and the dangerous duty of conducting the expedition was entrusted to Croghan.

Croghan having been delayed, owing to the convoy containing his presents for the Indians having been plundered by a party of the Pennsylvanian borderers on the route to fort Ligonier, his assistant Fraser, a lieutenant of the 77th, volunteered to proceed to the Illinois to prepare the French commandant for Croghan's arrival. The navigation was open, and the voyage itself, though long, was free from privation. Fraser was accompanied by a trader named Sinnott. He reached Kaskaskia by the middle of May. His presence was by no means welcome, and he describes himself as having surrendered as a prisoner. A party of Illinois shortly afterwards arrived, with the determination to avenge the death of some of their tribe, who they declared had been killed and scalped by some Cherokees. They took steps to kill Fraser, but owing to the intervention of Pontiac his life was saved. It was, however, considered advisable that he should not remain to awaken the enmity which daily became more threatening. He consequently left the Illinois on the 29th of May, to descend the Mississippi, and arrived at New Orleans on the 16th of June. Johnson speaks of Fraser as being too zealous, and it was long feared that he and those who had accompanied him had been put to death. Gage also speaks of Fraser's "precipitancy," and no good of any kind resulted from his attempt.

Croghan left fort Pitt on the 15th of May with some deputies of the Shawanees, and he sent a message by land to their tribe, to conduct the French traders among them to the mouth of the Scioto, in order that they might return with Croghan to their own country, for they would not be permitted to continue to trade where they were, without a permit signed by Gage and Johnson. On his arrival, seven French traders were delivered to him. He heard that there were six among the Delawares, and the Shawanees undertook in like manner to obtain them, for they sincerely desired to preserve the peace. On arriving at the mouth of the Wabash, Croghan

saw that a breastwork had been thrown up, and from tracks leading to it, he formed the opinion that there might be a design to attack him ; he, however, proceeded six miles lower down the Ohio, and finding the spot convenient encamped there.

On the following morning, the 8th of June, at daybreak, Croghan was attacked by eighty Kikapoos and Musquetomys. Three of the Shawanees' deputies were killed, a fourth wounded. Two of the white men were killed, and the canoes were plundered of all they contained. Croghan was himself wounded. After the affair, the assailants expressed their great sorrow for what had happened. They explained that they had been employed by the French, their fathers, who told them Croghan was to be accompanied by Cherokees, and that no peace had been made by the Shawanees and Delawares and Six Nations.*

Accordingly, they released the Indian prisoners, and carried away Croghan and his party to Vincennes, the French post on the Wabash in connection with New Orleans. There were at this spot some eighty houses clustered around the fort and an Indian village of the Pyankiskas. Croghan met many Indians whom he knew ; they loudly disapproved of the attack, and requested that he should be well cared for until the return of the chiefs from the Illinois, many of whom had proceeded to fort Chartres in expectation of meeting him. He now, for the first time, heard of the treatment which Fraser, Sinnott and Lagauterie had received. He was permitted to write to de Saint Ange, but not to Sinnott. Indeed, he could obtain neither paper, pen nor ink from the

* Croghan immediately saw the political blunder of this attack and the benefits to result from it. He wrote to Murray, of the 42nd, at fort Pitt. [Can. Arch., A. & W. I., 121.2, p. 672] 12th July, 1765. It was the best thing that could have happened. The French, for three years, with great pains and at great expense, had been endeavouring to make a confederacy against the English taking possession of the country. They had felt "cock sure" the Shawanees and Delawares would never make peace ; killing their deputies had thrown them into confusion, for they dreaded a war with the Shawanees, Delawares and Six Nations.

French settlers without the consent of the Indians. The party shortly afterwards ascended the Wabash to Ouatanon, higher up the river. Here Croghan again met many old acquaintances, and was treated by them with kindness. In a few days the chiefs returned from the Illinois, and expressed concern for what had happened. On the 1st of ^{July} a Frenchman arrived, bearing a pipe and a message, said to have been sent by a Shawnee attached to the French interests. It was addressed to the Kikapoos and others of the party, with the request that Croghan should be burned. The Indians in council not only contemptuously rejected the message, but informed Croghan that he and his men were free. They engaged to return the pipe, and to ask how such a message could have been sent, and they requested Croghan to remain with them until the arrival of deputies from the Six Nations, Shawanees and Delawares with Pontiac, when matters would be satisfactorily settled.

During the following days Croghan exerted himself to create friendly feelings towards the British; he succeeded in obtaining their consent to the occupation of the posts formerly held by the French, with the offer of succour on their part in the event of any armed opposition against possession being taken.

In a few days a messenger arrived from de Saint Ange to the Indians, requesting them to conduct Croghan to the Illinois; it was in answer to the letter written nearly a month previously. Croghan lost no time in communicating to New York, fort Pitt, and Detroit, the turn affairs had taken. He was further gratified by a visit from the Miami Indians, pledging their fidelity to him. Croghan started for the Illinois. When on the road he met Pontiac, in company with deputies from the Six Nations, the Delawares and Shawanees, also from the four Illinois nations, on their way to wait upon him, and the Shawanees. Accordingly they all returned to Ouatanon, where a conference was held and everything settled. All that had been done previously was agreed to. Pontiac, on this occasion, explained the reason of his former

enmity. The French, he said, had declared that it was the intention of the English to drive the present tribes from the country and place the Cherokees in possession, and that then they would all be made slaves. Now, as he learned that peace was made with the Delawares and Shawanees, the remaining tribes were willing to comply with its conditions, and receive the English with open arms.

Consequently Croghan started for Detroit accompanied by several chiefs proceeding thither as they said, to meet Bradstreet. As he passed by the Twightee and Ottawa village on the Miami, the white prisoners were delivered up to him. He arrived at Detroit on the 17th of August, where he found several tribes waiting for Bradstreet in consequence of his invitation of the previous year. A conference was held by colonel Campbell then in command, and Croghan. In the first place the chiefs addressed the Six Nations, Delawares and Shawanees, and asked "in the most abject manner, that they would forgive them for the ill conduct of their Young Men, to take Pity on their Women and Children, and grant y^m peace."

After affirming the peace, and expressing their satisfaction that the heavy clouds which hung over their heads were dispersed, and the sun was shining clear and bright, they called on the British to have pity on their women and children, and make up their difference with the Shawanees and Delawares. On all sides the desire was expressed that the tribes would behave well to their fathers the English. The conference continued with some interruption until the 25th of September, all present promising to become children of the king of Great Britain. They were dismissed with presents, and a caution to "stop their ears against the Storys or idle reports of evil minded People."

On the 27th there was a meeting with Pontiac, the Ottawas, Pottawatamies, Chippewas, and Wyandots. A belt dispersing the black cloud was given, so that the sun might clearly shine and the blessings of peace be enjoyed. The bones of the dead were sunk deep in the ground, in order that sweet herbs

and flowers might grow over them, the hatchet was buried, the tree of peace planted, and a road opened to the rising sun pleasant to travel upon.

On the 28th Pontiac spoke. He declared that he had settled peace before he came thither. He explained why he did not live at Detroit, and was now established on the Miami. His reasons may be given in his own words, "we love liquor and did we live here as formerly our people would be always drunk, which might occasion some quarrels between the soldiers and them." He asked for some credit for powder and lead, that they might obtain support for their families. The concluding words of Pontiac do not tend to establish the remarkable character in all respects claimed for him;* they were, "Father, you stopped up the Rum Barrel when we came here till the Business of that meeting was over; as it is now finished we request that you may open the barrel that your Children may drink and be merry."

The several tribes gave their full adherence to the peace, and with all of them there was the demand that trade should be re-opened, otherwise they would be forced to seek their requirements from the French. Pontiac, with other tribes, complained that the French had taken possession of a large part of their country, for which no consideration had been given, and they trusted that satisfaction would be made on this point. Their territory was large; they were willing to cede to their fathers, the English, what was necessary to carry on trade, provided they were paid for it, and a sufficient hunting ground left them.

On the 19th of September Croghan received a letter by express from fort Pitt that captain Stirling, in command of a detachment of one hundred men of the 42nd, had descended the Ohio and proceeded to fort Chartres to receive the place from the French, and take possession of the Illinois country. The fort was ceded to the British on the 10th of October, 1765. The flag of France thus disappeared for ever from the western continent, on which during the last three years it

* N.Y. Doc., VIII., p. 784.

had exercised so treacherous and so mischievous an influence. Although at this date Illinois was a portion of Canada, the fort, being held in military occupation, remained under the control of the commander-in-chief in New York.

This act, carried out without opposition, concluded the Indian wars. They had lasted two years and a half, having commenced with the attack on Detroit. It is difficult to reject the impression, that had the French remained in possession of the country west of the Mississippi, Canada would have been subjected to a continuance of the intrigue which had been so fruitful of mischief and trouble. We should have had a western Acadia, with its disaffection, disloyalty and machinations enlisted to excite the prejudices and passions of an ignorant population, incapable of judging the extent that for political ends they were deceived and misdirected. The Mississippi trade was the chief maintenance of New Orleans; the principal source of its profit was to be found in the Illinois country. The territory west of the Mississippi, except within a few leagues of New Orleans, remained without settlement. It was only after the peace of 1763 that a few traders' huts were erected at Saint Louis. The French had determined to fortify the mouth of the Missouri, and every inducement would have been used to retain their influence over the Indian mind, extending far within the river's eastern banks.

The British traders as a rule were hard, stern, and without compunction in obtaining money, and thought little of anything beyond the success of their ventures. Henry cannot be accepted as a representative man. It is to be feared that the story of "Inkle and Yarico" is only too suggestive of their general character. They had courage, determination, resolution, remained undaunted in the most critical danger, and possessed an undying love of adventure. On the other hand, they shrank from no alternative by which their ends could be gained. In their manner they affected disdain of the Indian, amounting to brutality, even when living among them, and accepting relationship with them. They failed not only to create kindly feelings in their behalf, but as a rule

they gave rise to aversion, amounting often to hatred. The power of the British trader was based upon the fear which he could call forth.

The French traders on the contrary, while living with the Indians, affected the manners of the *enfant du sol*. The association of religion, unknown in the English relationship, lent its aid to give grace and charm to the presence of the French. The missionary was the link between the races. The *voyageurs* treated the Indians with invariable kindness; the higher officials especially, who supplied their wants and periodically gave them presents. At the same time there was no relaxation in the development of the fur trade, from the constant desire of obtaining the largest profit derivable from it. One source of French power was to awaken distrust and hate of the British, which their harsh manners and the contemptuous behaviour of the provincial trader towards the Indian by no means made difficult. The distrust, which the French officials strove to create, was made more certain by constant misrepresentation. Many of the extreme western tribes, even previous to coming in contact with the English in any form, had been taught to hate them by the reports they had received of their cruelty and injustice. They believed that the design had been formed to drive them from their lands, and people the territory with the southern tribes, and that they themselves would be kept in slavery, or, if they resisted, be deliberately killed.

The western Indians were inferior in intelligence to the Six Nations of New York, and more readily became the dupes of those deceiving them. Within a few months of the peace, they were led to believe that France would reappear on the continent to establish her power. Had the transfer of the country west of the Mississippi not been made to Spain, it is by no means improbable that, with a view of retaining the profits of the trade east of the great river, the Indians would have been kept in a continual fever by French agents furnishing them with the necessary powder and shot, and inciting them to aggression, plunder and murder. The scenes of the eastern

Acadia would have been re-enacted by the French Illinois population, if the same vacillation in the treatment of the outrages against law and order had been followed in the west. In a few years self-protection would have again exacted the expatriation of the aggressors, who, unaffected by lenity, remained irreconcilable enemies. The changes in the political condition of Louisiana removed the cause for this intrigue, and made any such activity unprofitable. The sovereignty of Spain was extremely unwelcome to the French of Louisiana. Many preferred acknowledgment of British rule to transferring their allegiance to Spain; and the majority of those present in Illinois accepted the new government under which Canada was placed, rather than change the entire condition of their lives by the adoption of Spanish law and custom. At this date the settlements on the eastern shore of the Mississippi, from the mouth of the Ohio towards Saint Louis, were reported by Fraser, of the 78th, to contain a population of 2,050 souls, with 900 negroes.*

Pontiac was present at a congress held by sir William Johnson in July, 1766, at Oswego, with the chiefs of the Ottawas, Pottawatamies, Hurons and Chippewas. The object of the meeting was to confirm the proceedings of Croghan in 1765. Johnson congratulated all who were present on the establishment of peace, which permitted traders to visit the posts with the goods required for use. He stated that proper officers, men of honour and probity, had been placed there to attend to their complaints, and smiths sent to repair their arms and implements. This act of consideration caused expense, and they must accept it as a mark of the favour of

* White men able to bear arms.....	700
Women.....	500
Children.....	850
	—2,050
Negroes of both sexes.....	900
Indians able to bear arms.....	650

Many of the white men and negroes were generally passing up and down the Mississippi to New Orleans. Extract of a letter from lieut. Fraser, 78th regiment, 15th May, 1765. Can. Arch., A. & W. I., 121.2, p. 662.

their father the king "this best of princes." He alluded to the murder of two soldiers at Detroit and demanded satisfaction should be given for the wrong. A negro had murdered two Indian women in that neighbourhood. Johnson pointed out that he was of different colour and did not belong to our race, nevertheless that he would be punished for his crime. He promised also the chastisement of the frontier men, who had attacked and killed some Indians near fort Pitt, and, generally, redress for any injuries the tribes had suffered.

On the following day, the chiefs reappeared to reply to this address. After the chief of the Hurons had made his oration, Pontiac spoke in the name of the nations to the westward. He fully accepted the peace, renouncing the king of France, "now that he is gone," and promising in the future all avoidance of the enmity of the past. When the congress separated on the 30th of July, the most amicable feeling prevailed. Pontiac promised to pay sir William Johnson a visit in the spring.

Pontiac played so prominent a part in the attack on Detroit that he has been regarded as the originator of the war, and as having shaped the events which so rapidly succeeded each other. Undoubtedly Pontiac possessed ability, rare in the Indian character; but now that the whole sources of information in the dominion archives are open to investigation, I cannot conceive that this opinion can be maintained. Whatever the capacity of Pontiac, he remained a savage, and there is no warrant for ranking him at a higher estimate than an instrument in the hands of the French officials and traders of New Orleans: the terms may be said to be synonymous. Without the assistance of ammunition and supplies from Louisiana, without the promise of continued assistance and the eventual recognition of the success he might obtain, there could have been no durable organized hostility on his part, or that of any Indian. The traders from New Orleans were always seeking to inflame the passions, excite the jealousies, awaken the fears and appeal to the greed of the Indians whom they desired to influence. With the assumption of sovereignty over the

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territory by Spain, there was no longer any cause for appeal either to the ambition or sentiment of Pontiac and men of his class. The French of Illinois had ceased to feel dependence on New Orleans. They had been thrown more into connection with the French Canadians of Quebec and Montreal; a relationship infinitely more congenial to them than that of the newly-arrived officials of Spain, and henceforth they ceased their connection with Louisiana to become identified with Canada.

Fort Chartres in the possession of a British garrison was a proclamation to Pontiac that he could no longer look for the aid and countenance he had hitherto received from its commandant. The Shawanees and Delawares had accepted the authority of fort Pitt. There was no longer a French governor at New Orleans to receive him with consideration, and indirectly supply his wants. He saw no course open to him, but to allow himself to be carried down the current of events. He felt strongly he had been ill-treated by the French. Croghan wrote to Johnson in November, 1765, and the principal men of these nations admitted that they had been urged on to the attack by the French, who had supplied them in all directions with ammunition and provisions, and that they now believed that it was entirely with the view of furthering French interests.*

Pontiac lived two years longer, but he is not again heard of. The peace remained unbroken. There are many stories told of his death, but in reality nothing is known beyond the fact, that he was killed by an Indian in 1767, and that his body was found, his skull cleft with a tomahawk. The fables which had been indulged in during his life were continued after his demise. Peltier who, has been named in connection with the attack of Detroit,† tells us that the Indian who killed him was in love with his wife, a social tragedy not usual in Indian life. My own theory is, that his death arose through a quarrel in a drunken debauch. It has also been surmised that some

* N.Y. Doc., VII., p. 787.

† Ante, p. 13, note.

British traders were privy to his murder. No evidence exists of such complicity. There is no ground for supposing that on the part of the authorities there was any desire to be rid of him, for after the peace Pontiac had ceased to attract attention. If any trader was connected with his murder, the prompting motive must have been private resentment, for no public consideration suggested it.

Such was the somewhat ignominious end of the chief who for some months had stood forth in prominence before the continent, and held confined within the enclosure of the barrack-fence an armed British force; an attack which he abandoned by negotiation, and in which he was not forcibly repelled. His rare powers, his capacity for war, and his undoubted high qualities in many respects, exact mention of him as the foremost man of his race of his time. The close of such a life under such painful conditions must ever command sympathy. The feeling is increased by our want of knowledge of the cause of quarrel, and the uncertainty whether Pontiac fell in a hand to hand struggle, or was the victim of cowardly and treacherous assassination.

It may perhaps be considered that I have bestowed excessive attention on the history of this Indian war. It appeared to me, however, a duty so to act, for it has hitherto been considered as of no great importance. Those who follow the narrative I have endeavoured to give can arrive at no such conclusion. Only for the transfer of Louisiana to Spain the seeds of a future war with France had been sown, in which the struggle for the possession of the Ohio would have been renewed. One of the extraordinary features of the war is, that it should have taken place at a period when the fever of republicanism was being rapidly developed in New England, when impatience of imperial rule was rising to the surface, especially with the young lawyers struggling into notice, who accepted it as a dominant principle. New England, as a community, was not concerned in the war of the west, the garrison at Halifax making any hostile Indian demonstration in the northern part of the territory, that of the present state

of Maine, improbable and even impossible. The struggle with the Indian on the Atlantic coast had long been terminated.

On the other hand, New York was directly interested in the events of the west. Many of the speculators of the province were engaged in the fur trade. Many were owners of land on the Mohawk, and the growing settlements upon that river were at the time seriously threatened by the tribes gathered around La Presentation, the modern Ogdensburg. The Albany politicians and operators were intent on obtaining possession of the best lands of the Six Nations, and by no means scrupulous as to means of doing so. It was only by the untiring effort and judgment of sir William Johnson that the Six Nations remained friendly to the British. Had they joined the western confederacy it would have been a most formidable alliance, and the narrative of the war as traced in these pages might have been of a different character.

The intervention of the home government by the proclamation of 1763, to prevent the spoliation of the Indian, remains a most noble monument of British national justice, and is acted upon to this day in Canada. I shall have to relate its effect in creating disaffection to British rule in the cities of New York and Albany. The calumny that British tyranny was exercised in the government of the provinces, repeated without investigation for the last century and a quarter, disappears on any candid examination of the fact. Feeble administrations, composed of politicians intent on the emolument of office, in the early years of George III, followed one the other, in rapid succession, to neglect the true interests of the empire. They violated the liberty of the subject at home, and mischievously legislated for the colonies abroad. The house of commons had become subservient to the views of the court, and the majority passed measures for the main reason that they were acceptable to the king. Every administration was made impotent for good. As Burke wrote: "The prerogative of the crown had been retrenched to admit of parliament becoming the oppressor of the people in extending the royal power." Reference to those unfortunate

days, in the hope of tracing a record of good government, is vain and futile. Faction was predominant. The prestige of the country was lessened abroad ; at home the constitution was violated, and there was a fatal departure from the policy which, firmly observed towards the American provinces, would have created so strong a majority in favour of the maintenance of the connection with the mother country as to have been unassailable.

All this is true, and the pages of history which relate these events must ever remain a painful chapter in the record of that evil time. But the assertion that Great Britain desired to tyrannise over the colonies is unfounded and without justification.

The narrative of the years of Indian war, which I have related, establishes the desire of the mother country to aid the American provinces in every difficulty. No student of history can ever be insensible to this undeniable truth ; no citizen of the present United States should ever cease gratefully to think of the fostering care with which, in this exacting emergency, American interests, pure and simple, were fostered, fought for and preserved. I have felt it accordingly to be right and proper to preserve the memory of these years, 1763-1765, so that no future misconception can arise with regard to the course followed by the mother country during this trying time.

BOOK XVI.

FROM THE ROYAL PROCLAMATION OF 1763 TO THE
PASSING OF THE QUEBEC ACT, 1774.

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CHAPTER I.

The treaty of Paris was signed on the 10th of February, 1763, but eighteen months elapsed before any change was made in the government of Canada, the province remaining under the military rule described in a former volume.* Nominally so constituted, it was really based upon the French civil law honestly, ably, and impartially administered. No conquered country was ever more favoured, or treated with greater generosity, the main desire being apparent to attach the new subjects to their new condition by good government, justice, and munificence. This *status in quo* proved so successful that it called for no immediate interference, and the summer passed away without any establishment of the principle upon which Canada should be constituted a province of the empire; it may be assumed a consequence, in no small degree, of the political complications affecting the home government, which form so painful a passage in the first years of the reign of George III. On the following 8th of April, Bute resigned and George Grenville became chancellor of the exchequer and first minister. Thus the proclamation establishing Canada as a British province was not issued until the 7th of October, 1763, and Murray was appointed governor on the 21st of that month; he may accordingly be considered the first governor-in-chief of Canada. The season prevented the immediate transmission of the proclamation. There must also have been hesitation in the spring in the despatch of the vessel bringing it out, for it only reached Canada on the 10th of August, 1764, at which date Murray assumed the government, and the system hitherto followed ceased to prevail.

The proclamation established four new provinces in the

* *Ante*, vol. IV., pp. 438-446.

territory ceded as "distinct and separate governments," Quebec, East Florida, West Florida, and Grenada.* The limits of the first named province were also defined. It is scarcely possible to conceive any description more obscure than that given of the boundaries, evidently written by some subordinate clerk, ignorant of the subject; an incident by no means entirely unknown at this date. So far as it can be understood, the province of Quebec was limited to the east by the Saguenay, called the river Saint John, to lake Saint John, thence running to lake Mississini [Mistassini]. On the southern shore the coast extended to cape Rosier without including the island of Anticosti. The southern boundary was found in the highlands, which divide the rivers that empty themselves into the Saint Lawrence from those falling into the sea, until reaching the forty-fifth degree of latitude, which was followed westward to the Saint Lawrence. Reference to a map will shew the absurdity of this defined limit, for it left to Canada the coast line of the Saint Lawrence to cape Rosier, with a territory of a few miles in width. The proclamation set forth that "so soon as the state and circumstances of the colonies will admit" a general assembly should be called, "to make, constitute and ordain Laws, Statutes and Ordinances for the public peace, welfare and good government . . . of the people and inhabitants . . . as near as may be agreeable under the laws of England." At the time, only satisfaction was felt at this provision. The words of this qualified engagement are worthy of attention, for they establish that its fulfilment was to be dependent on the future condition of the province, to be carried out or modified as expediency suggested. Ten years later, its non-observance was one of the bases of the accusation of tyranny against the mother country. The house of representatives thus specified that "it should be in accordance with the other provincial usage" that such an assembly could be called, the royal assent was promised to all resorting to the province, and authority was given for

* The text of the proclamation is given at the end of this chapter.

the establishment of courts of justice, civil and criminal with right of appeal to the privy council.

Grants of land were guaranteed to officers who had served in the late war: 5,000 acres to a field officer, 3,000 to a captain, 2,000 to a subaltern, 50 to a private man. The same privilege was extended to the officers and seamen of the navy who had been present at Louisbourg and Quebec. Thus far, expressions of satisfaction and approval were only heard. The clauses which followed, enforcing the regulations with regard to the Indian lands, awoke great discontent and ire; and at the period of the revolution they were included in the specification of injuries asserted in the declaration of independence to have been inflicted by the mother country.*

For many years there had been great discontent felt by the Indians, arising from settlement upon their lands claimed to be made under grants from themselves. It has been seen, that one of the means adopted to cause dissatisfaction among the western tribes was the dissemination of the report that it was the intention of the British to seize their hunting grounds. As early as 1756, the lords of trade † wrote to de Lancey, then acting as governor of New York, that the patents of Kayoderossas, Canajoharie and of the Oneida carrying-place, "under pretence of purchase," was one of the principal causes of the decline of British interests among the Indians, and that full satisfaction should be given for the grievances of which they complained. So much difficulty was experienced in a court of law in any endeavour "to vacate and annul these exorbitant grants," that the recommendation was made to the council and assembly to interpose, as had been done in 1699, as it was a matter of "great

* Mr. Jefferson wrote "He (the King) has endeavoured to prevent the population of these states; for that purpose obstructing the laws for the naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands." Jefferson shrank from stating the truth, misrepresenting by special pleading the interference of the mother country to prevent the spoliation of the Indian, which the provincial assemblies, had they been permitted, would have reduced to a system.

† 15th March. N.Y. Doc., VII., p. 78.

tenderness and difficulty." After Braddock's defeat, the Delawares and Shawanees, feeling that the restraint hitherto exercised over them had been removed, were led more easily to listen to French intrigue. They had been greatly excited by the issue of patents of lands which had included much of their territory, and by the visible extension of settlement pressing westerly upon them. They were consequently easily made to believe that there was a fixed design to drive them from their hunting grounds. When, under the impulse of French partisan leaders, they commenced their hostile expeditions, it was especially against the scattered homesteads that their wrath and revenge were directed, so that re-possession of their land could be secured. Johnson received copies of the instructions sent to Sir Charles Hardy on the subject, and he reported* that "the effectual redressing those complaints strikes at the Interest of some of the wealthiest and most leading men in this Province, and I fear that influence which may be necessary to succeed will be employed to obstruct," and that "applications on this side the water" would fall short of the desired end. The following year † he brought to the notice of the lords of trade that the Indians "are disgusted and dissatisfied with the extensive purchases of land, and do think themselves injured thereby." The feeling generally entertained by them was that titles had been obtained without any equivalent having been given; that the documents by which rights had been granted, however legal in form, had been conceded by men, previously made drunk, placing their mark to what they did not understand, or they had been signed by parties without authority to make any cession. Prisoners reported that they had often heard the Delawares declare that they would never leave off killing the English while one of them was on their lands, out of which they had been cheated.‡ This ill-feeling continued to increase. Even the success of Forbes in regaining Pitts-

* N.Y. Doc., VII., p. 129, 10th September, 1756.

† 28th September, 1757. N.Y. Doc., VII., p. 276.

‡ N.Y. Doc., VII., p. 331.

burg in 1758 failed to quiet the discontent. The Six Nations, although returning to their former friendship for Great Britain, still complained of "enormous and unrighteously obtained patents for their land." Consequently, in 1759, the year of Wolfe's triumph at Quebec,* Johnson urged that "their reasonable and well-founded complaints" should be redressed, and limitations established to such acquisitions. In 1760,† Johnson pleaded the cause of the Mohegan Indians of Connecticut, that they might be paid for their lands.

In 1761, after the capitulation of Montreal, the legislature of New York took steps to make grants on the Mohawk, and in the neighbourhood of lake George. The report of the lords of trade on the subject was considered by the king in council, in November. It was there stated that the cause of Indian dissatisfaction was the "Cruelty and Injustice with which they had been treated in respect to their hunting grounds," that the Indians had yielded the dominion, not the property of their lands. The conclusion was formed, that the grant of lands and the establishment of settlement before the claim of the Indians was satisfied were most dangerous, being opposed by the Indians as a violation of their rights. The report recommended that the proposed settlement should be stopped, until the event of the war was determined, and such steps taken with respect to the Indians as would be thought expedient.‡ The consequence was that in December, 1761,

* 17th May. N.Y. Doc., VII., p. 377.

† N.Y. Doc., VII., p. 433.

‡ One paragraph of this report is worthy of being more generally known, "That the exorbitant Grants of Lands which Governors and others have heretofore made greatly to the benefit of themselves, but very much to the prejudice of the Interests of the Crown and of the people in general, have long been the subject of great Complaint, and the said Lords Commissioners cannot but think that the Lieutenant Governor and Council would have shewn a greater regard to Your Majesty's Interest and the welfare of the province in general, by a pursuit of such measures as might have operated to correct those abuses and remedy the Evils arising from so improper a Conduct in their proceedings in Government than by entering upon Measures for making fresh grants and settlements which they have great reason to apprehend from Information which may be depended upon are more for the benefit of themselves and their Families." [N.Y. Doc., VII.,

instructions were sent to the governors of Nova Scotia, New Hampshire, New York, Virginia, North Carolina, South Carolina and Georgia, forbidding them to grant lands or make settlements, which might interfere with the Indians bordering on those colonies.

On the conclusion of the definitive treaty, the lords of trade informed Johnson* that the determination had been formed to permit no grants of land within the fixed bounds of the Indian territory, under pretence of purchase, or any pretext whatever, and that a proclamation would be issued on the subject.

Johnson writing in September, 1763, represented the Five Nations as remaining discontented on account of the land encroachments, especially the Mohawks by the "unconscionable grant called Kayadarosseras † alias Queensborough, likewise on the claim of the corporation of Albany on fort Hunter, and by Livingston and others on Canajoharie."‡ Johnson, when giving a general report on the subject after the peace of 1763 made with the western Indians, dwelt upon the necessity of steps being taken to satisfy the Six Nations. Some months previously they had warned two families, who had established themselves on one of these patents, to leave,

p. 474.] Governor Colden replied to this remark [pp. 491-493] denying that he was interested in any way in the purchase of Indian lands and that he had not "so much as an inclination" to be so.

* 5th August, 1763. N.Y. Doc., VII., p. 535.

† Kayadrossera was the tract of land west of the Hudson at Saratoga, the scene of Burgoyne's disaster. The Hudson towards Glenn's Falls takes a bend and runs from the west for thirty miles when the stream again descends southwardly. This easterly course of the river formed the northern boundary of the tract which extended southwards to about lake Saratoga. It contained half a million of acres. Fort Hunter was situated at the Mohawk flats, about sixteen miles from Schenectady at the mouth of Schenectady creek. It was occupied by a small party of troops as late as 1756. The corporation of Albany had obtained a deed of the Mohawk flats some years previously by making some of the chiefs drunk and by other unfair means. They made no attempt to dispossess the Indians, but there was the constant threat of their doing so. Canajoharie was on the Mohawk, about eighteen miles further west, being thirty-four miles from Schenectady and forty-four from Utica.

‡ N.Y. Doc., VII., p. 561.

and had received for an answer, that "a number of persons in Power in New York were concernet therein, & would make good their Possession & (according to the silly independt stile often used here) should the King order them off they would nevertheless remain." Johnson hesitated to take legal proceedings "because so many persons are interested in it, & particularly the principal Lawyers of this Province, whose influence & authority in this Country can be fully shewn. Amongst whom, I shall not scruple to affirm, are some of the most selfish and interested persons in His Majesty's Dominions." What Johnson feared was, that the doctrine that "A Patent is good in Law" would lead to a decision against the Indians, and the consequence would be the serious discontent arising among them. One feature of these fraudulent transactions was the secrecy with which the grant was kept, being utterly unknown until it was expedient to make it public. It had been the custom of the land jobbers, on learning the situation of a desirable tract of land, to obtain by the aid of some presents to Indians well primed with liquor their signatures to a deed, and the first thing known of its existence was when it was acted upon.

The imperial policy protecting the Indian was extremely unpopular in the British provinces. The Albany politicians contended that the management of the Indian lands should rest with the province, with agents dispersed throughout the country.*

The proclamation was consequently received with extreme disfavour, and was represented as an interference on the part of the imperial government with provincial rights. The evil effect of the enmity of the Indians was thoroughly lost

* Johnson proceeds to narrate the tone taken on this occasion by the men to whom he alludes: "Regular Troops are not necessary, no Coward in the three kingdoms dare suspect their Loyalty, & they can be of no use but to check the Provinces. They add that then the Indians will "consume like a March snow, & no Enquiry be made concerning lands patented & sold 60 years ago." Johnson prophesied, under such a treatment, "the Indians would soon be obliged to redress themselves & thereby convince the public of the success of such *salutary* [sic] measures" N.Y. Doc., VII., pp. 713-4.

sight of, and there arose a recklessness of the future, which the teaching of the three previous years in no way checked. It was infinitely more probable that in any provincial war, a Bradstreet, not a Bouquet, would rise into prominence. With all men in positions of responsibility, it became evident that the mischievous pretension to obtain Indian lands at any cost must be checked. Thus, the protection of the Indian from aggression being the key-note of the proclamation, it resolutely dealt with the emergency. Governors were forbidden to grant warrants of survey beyond their respective governments; no private man could purchase land from the Indians. It was from the government only that Indian lands, with a legal title, could be obtained, the government first having secured by treaty a legal transfer of the tract on terms satisfactory to the tribe ceding it.

It is a proof of the wisdom and justice of these provisions that the principle then laid down has always been acted on in the Queen's dominion. In the north-west at this date it is enforced. It is from the observance of this just and righteous provision that tumult and turmoil have been avoided since the conquest. It was from the first denounced by the old British provinces, and no little aided to that unfriendly feeling towards the troops which led them to refuse even shelter and assistance to them when engaged in fighting their battles.

I have given in some detail a narrative of the causes which led to the proclamation, for it is necessary to establish that it was not a merely impulsive act of legislation occasioned by the Indian outbreak of 1763; but on the contrary, that it was the result of a deliberate policy conceived in the desire to establish order and justice, and to lead to a permanent settlement of disputes, which each month were increasing in importance. It is not impossible that the destruction of the ~~west~~ ^{and a post} exercised its influence in establishing the necessity of some protective legislation to be made known without further delay. The necessity for defining the province of Quebec and providing for the civil government furnished the

opportunity for its promulgation. I cannot but think it would have been wiser to have kept the two acts distinct; for, being included in the proclamation that defined Quebec as a British province, these Indian land regulations became to some extent identified with its political existence, and did not create friendly feelings towards the new province. But of the justice, the honesty, the expediency, and the necessity for such legislation, there can be no doubt.

PROCLAMATION OF OCTOBER 7TH, 1763.

BY THE KING.

A PROCLAMATION.

GEORGE R.

WHEREAS We have taken into Our Royal consideration the extensive and valuable acquisition in America, secured to Our Crown by the late definitive Treaty of Peace, concluded at Paris, the tenth day of February last; and being desirous that all our loving subjects, as well as our Kingdoms, as of our Colonies in America, may avail themselves with all convenient speed of the great benefits and advantages which must accrue therefrom to their commerce, manufactures and navigation; We have thought fit, with the advice of our Privy Council, to issue this our Royal Proclamation, hereby to publish and declare to all our loving subjects, that We have, with the advice of our said Privy Council, granted our Letters Patent under our Great Seal of Great Britain, to erect within the Countries and Islands, ceded and confirmed to Us by the said Treaty, four distinct and separate Governments, styled and called by the names of QUEBEC, EAST FLORIDA, WEST FLORIDA, and GRENADA, and limited and bounded as follows, viz.:

Firstly. The Government of *Quebec*, bounded on the *Labrador Coast*, by the River *Saint John*, and from thence by a line drawn from the head of that River, through the lake *Saint John*, to the South end of lake *Nipissim*; from whence the said line crossing the river *Saint Lawrence*, and the lake *Champlain* in forty-five degrees of North latitude, passes along the high lands which divide the rivers that empty themselves into the said river *Saint Lawrence* from those which fall into the sea, and also along the North coast of the *Bay des Chaleurs*, and the coast of the Gulf of *Saint Lawrence*, to *Cape Rosiers*, and from thence crossing the mouth of the river *Saint Lawrence*, by the West end of the Island of *Anticosti*, terminates at the aforesaid river *Saint John*.

Secondly. The Government of *East Florida*.

* * * * *

Thirdly, The Government of *West Florida*.

* * * * *

Fourthly, The Government of *Grenada*.

* * * * *

And to the end that the open and free Fishery of our subjects may be extended to, and carried on upon the coast of *Labrador*, and the adjacent Islands, we have thought fit, with the advice of our said Privy Council, to put all that coast, from the River *Saint John* to *Hudson's Straights*, together with the Islands of *Anticosti* and *Madeleine*, and all smaller islands lying upon the said coast under the care and inspection of our Governor of *Newfoundland*.

We have also, with the advice of our Privy Council, thought fit to annex the Islands of *Saint John* and *Cape Breton*, or *Isle Royale*, with the lesser Islands adjacent thereto, to our Government of *Nova Scotia*.

* * * * *

And whereas it will greatly attribute to the speedy settling our said new Governments that our loving subjects should be informed of our Paternal care for the security of the liberty and properties of those who are, and shall become inhabitants thereof; we have thought fit to publish and declare by this our Proclamation, that we have, in the Letters Patent under our Great Seal of *Great Britain*, by which the said Governments are constituted, given express power and direction to our Governors of our said colonies respectively, that so soon as the state and circumstance of the said colonies will admit thereof, they shall with the advice and consent of the Members of our Council, summon and call general assemblies within the said Governments respectively in such manner and form as is used and directed in those colonies and provinces in *America*, which are under our immediate government; and we have also given power to the said Governors, with the consent of our said Councils and the Representatives of the people, so to be summoned as aforesaid, to make, constitute, and ordain Laws, Statutes and Ordinances for the public peace, welfare and good government of our said colonies, and of the people and inhabitants thereof, as near as may be agreeable to the Laws of *England*, and under such regulations and restrictions as are used in other colonies; and in the meantime, and until such assemblies can be called as aforesaid, all persons inhabiting in or resorting to our said colonies may confide in our royal protection for the enjoyment of the benefit of the Laws of our Realm of *England*; for which purpose, we have given power under our Great Seal to the Governors, of our said colonies respectively, to erect and constitute, with the advice of our said Councils, respectively courts of Judicature and public justice within our said colonies, for the hearing and determining all causes, as well criminal as civil, according to Law and Equity, and as near as may be, agreeable to the Laws of England with liberty to all persons, who may think themselves aggrieved by the sentence of such courts, in all civil cases to appeal, under the usual limitations and restrictions, to us, in our Privy Council.

We have also thought fit with the advice of our Privy Council as aforesaid, to give unto the Governors and Councils of our said three new colonies upon the continent, full power and authority to settle and agree with the inhabitants of our said new colonies, or any other person who shall resort thereto, for such lands, tenements and hereditaments, as are now or hereafter shall be, in our power to dispose of and them to grant to any such person or persons upon such terms and under such moderate quit rents, services and acknowledgments as have been appointed and settled in other colonies, and under such other conditions as shall appear to us to be necessary and expedient for the advantage of the grantees and improvement and settlement of our said colonies.

And whereas we are desirous upon all occasions to testify our Royal sense and approbation of the conduct and bravery of the officers and soldiers of our armies, and to reward the same; We do hereby command and impower our Governors of our said three new Colonies, and other our Governors of our several provinces of the continent of North America, to grant without fee or reward, to such reduced officers and soldiers as have served in North America during the late war and are actually residing there and shall personally apply for the same the following quantities of land, subject at the expiration of ten years to the same quit rents as

other lands are subject to in the province within which they are granted, as also subject to the same conditions of cultivation and improvement, viz.:

To every person having the rank of Field Officer	5,000 acres.
To every Captain	3,000 "
To every Subaltern or Staff Officer	2,000 "
To every non-commissioned Officer	200 "
To every private man	50 "

We do likewise authorize and require the Governors and Commanders in chief of all our said colonies upon the continent of *North America* to grant the like quantities of land, and upon the same conditions, to such reduced officers of our navy of like rank, as served on board our ships of war in *North America* at the time of the reduction of *Louisbourg* and *Quebec*, in the late war, and who shall personally apply to our respective Governors for such grants.

And whereas it is just and reasonable and essential to our interest, and the security of our colonies, that the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to us are reserved to them, or any of them, as their hunting grounds; we do therefore with the advice of our Privy Council declare it to be our Royal will and pleasure that no Governor or Commander in Chief, in any of our Colonies of *Quebec*, *East Florida* or *West Florida*, do presume upon any pretence whatever, to grant warrants of survey, or pass any Patents for lands beyond the bounds of their respective Governments, as described in their commissions; as also that no Governor or Commander in chief of our other colonies or plantations in *America*, do presume for the present, and until our further pleasure be known, to grant warrants of survey, or pass any Patents for lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the West or North West; or upon any lands whatever, which not having been ceded to, or purchased by us, as aforesaid are reserved to the said Indians or any of them.

And we do further declare it to be our Royal will and pleasure for the present as aforesaid to reserve under our sovereignty, protection and dominion, for the use of the said Indians, all the land and territories not included within the limits of the territory granted to the *Hudson's Bay Company*; as also all the land and territories lying to the Westward of the sources of the rivers which fall into the sea from the West or North West as aforesaid; and we do hereby strictly forbid on pain of our displeasure all our loving subjects from making any purchases or settlements whatsoever, or taking possession of any of the lands above reserved, without our special leave and license for that purpose first obtained.

And we do further strictly enjoin and require all persons whatsoever, who have either willfully [sic] or inadvertently seated themselves upon any lands within the countries above described or upon any other lands which not having been ceded to or purchased by us, are still reserved to the said Indians aforesaid, forthwith [sic] to remove themselves from such settlements.

And whereas great frauds and abuses have been committed in the purchasing lands of the Indians to the great prejudice of our interests, and to the great dissatisfaction of the said Indians; in order therefore to prevent such irregularities

for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, We do, with the advice of our Privy Council, strictly enjoin and require that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians within those parts of our colonies where we have thought proper to allow settlement; but if at any time any of the said Indians should be inclined to dispose of the said Lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the Governor or Commander in Chief of our colony respectively, within which they shall lie, and in case they shall lie within the limits of any proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose; and we do, by the advice of our Privy Council, declare and enjoin that the trade with the said Indians shall be free and open to all our subjects whatever, provided that every person who may incline to trade with the said Indians, do take out a license for carrying on such trade from the Governor or Commander in chief of any of our colonies respectively, where such person shall reside, and also give security to observe such regulations as we shall at any time think fit by ourselves or commissaries to be appointed for this purpose, to direct and appoint for the benefit of the said trade; and we do hereby authorize, enjoin and require the Governors and Commanders in chief of all our colonies respectively, as well those under our immediate government, as those under the government and direction of proprietaries, to grant such licenses without fee or reward, taking especial care to insert therein a condition that such license shall be void, and the security forfeited, in case the person to whom the same is granted shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.

And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of the Indian affairs within the territories reserved as aforesaid for the use of the said Indians, to seize and apprehend all persons whatever who standing charged with treason, misprision of treason, murder or other felonies, or misdemeanors, shall fly from justice and take refuge in the said territory, and to send them under a proper guard to the colony where the crime was committed of which they shall stand accused, in order to take their trial for the same.

Given at our Court at St. James's the 7th day
of October, one thousand seven hundred and
sixty-three in the third year of our reign.

GOD SAVE THE KING.

CHAPTER II.

The duty of the new governor was sufficiently responsible. It entailed not only the enactment of technical law and form of procedure, in themselves of the highest importance; it likewise exacted the delicate obligation of re-establishing in the newly constituted province, the amenities of social life with the accompanying teachings of civilization. There had never existed entire certainty that Canada would remain a British possession, and to the last, many Canadians had hoped it might be restored to France. The *ad interim* government had been one of expediency, having been considered as only temporarily existing until the final fate of the province would be placed beyond dispute. The representatives of British power had met this emergency by giving full consideration to the habits and manners of the new subjects, whose lives and fortunes they had to protect, and their administration of the law had been accepted by the Canadians in a loyal and unexceptionally good spirit. All was now changed: there was no longer uncertainty as to the future. Canada had become a part of the British dominions; and it was the duty of the rulers to establish firm principles of government, and to fix solidly the bases of law and order in civil life, so that the future should be one of prosperity and happiness.

French Canada had left behind no political traditions. There was no trace of that personal liberty which, with all its imperfections, has been the vital principle of the British constitution. The system had been one of centralization, with the concentration of power in the persons of the governor and intendant. Neither the military nor civil administration extended any rights to the individual. There were only two active principles to which tradition could appeal: religion and the civil law, and both furnished in a certain measure their

share of difficulty. The former, not in the matter of the personal profession of faith, but by the continuance of the laws to extend to the church recognized life, and to provide for the clergy the means of subsistence. The ancient law by its identification with the customs, habits, property, and protection from wrong and injury of all who remained under the new government, enforced the embarrassing duty of determining to what extent it should be maintained unchanged ; or be modified, to be brought into harmony with British institutions. The proclamation of the treaty of peace was the commencement of the new system, by which personal liberty and progress were to be safeguarded : when differences of political thought were to be governed by law and reason ; when the humblest of the new subjects was to be assured against arbitrary interference with his rights ; when property was to be held sacred against spoliation, and when the field in which reward was attainable by merit, was to be thrown open to labour, enterprise, and probity.

These were the ends, the establishment of which the first governor-in-chief had never to put out of sight, and which he should make every righteous effort to attain.

Shortly after the arrival of the news of peace, a mutiny broke out at Quebec which for a few hours threatened to lead to disaster, and was only quieted through the firmness and ability of Murray. It arose out of the general order of the 18th of September, 1763, that the troops were henceforth to pay fourpence per day for the rations, which hitherto they had received at the cost of the government. After roll-call, when the orders were read, the troops "assembled to a man" without arms, opposite the governor's house, and expressed their dissatisfaction. There was no tumult, only that a few of the British residents of Quebec who saw fit to interfere, and upbraided the troops for their conduct, were pelted with stones. Some officers, who after hearing of the disturbance had come to the spot to appease the men, on the exhibition of this violence drew their swords, upon which the troops rushed to their barracks, seized their arms, and with drums

beating marched towards Saint John's gate, with the intention of leaving the city. Murray went among them personally to appeal to them, when they declared that they would march to sir Jeffery Amherst and lay down their arms at his feet. The men spoke highly of their officers, and with great respect; there was not a single man among them drunk; they were mad with rage. Lieutenant Mills, the town major, managed to close the gate. Fears were now entertained, that in their desperation they might plunder the town. Murray induced them to march to the parade ground on the esplanade which adjoins the gate at right angles; he there addressed them, called upon them to return to the barracks and to behave as soldiers. Strange to relate, the guards were mounted as usual.

Murray assembled the officers and non-commissioned officers, and represented to them the unhappy consequences to the king's service, should news of the mutiny reach the other garrisons, and, ordering a general parade, again addressed the men. They made strong protestation of their loyalty and of their personal regard for their officers; but, at the same time, they declared that they would not submit to the stoppage of their pay. Murray appealed to them to return to barracks, and undertook to lay their grievances before the general. The night passed without further disturbance. On the succeeding day, the 20th of September, Murray again called the officers together, and pointed out that it was necessary to reduce the troops to obedience, or perish in the attempt. Success on the part of the mutineers in Quebec meant universal revolt throughout America. It was proposed that the officers should endeavour to use expostulation, to exercise their personal influence, and by mild measures lead the men back to their duty. This persuasion had no effect. In the afternoon, Murray having heard that some signs of contrition were being shewn, ordered a general parade under arms at ten o'clock the following morning, the 21st. When the parade was formed, Murray read the articles of war. The conclusion of the scene will be best told in his own

words: "After painting in the best manner I could, the enormity of their crime, I declared my fixed resolution with my faithful officers to oblige them to submit or perish in the attempt. I went to the head of Amherst's grenadiers determined to put to death the first man who refused to obey. Thank God I was not reduced to that horrid necessity. The whole company submitted, and marched betwixt the two royal colours placed for that purpose. The whole followed their example, and I restored the battalions to their colours. The behaviour of officers and non-commissioned officers was admirable." * Thus the mutiny ended. Had it been treated with less judgment and courage, it would have penetrated the whole force serving in North America.

The order for the stoppage of pay was issued when the troops were in the field under Bouquet, advancing to the Ohio; his defeat of the Indians at Bushy run having taken place only a few weeks previous to the mutiny. Those who issued it doubtless acted on the principle, that economy was called for in the national finances. They set out of view the extravagant pensions given by the court to its partisans, whose sole claim was their pliant servility, and that at this very time political service, provided it was acceptable to the king, was rewarded by emoluments which at this day, even taking into account the great reduction of the value of money, would appear enormous. We must all look upon the government of these years with bewilderment, as we read the record of its extravagance and folly in the purlieus of the imperial parliament, while in the outer empire those engaged in defending the national honour were invariably treated harshly and unjustly. Murray, and the officers of the garrison, received the official thanks of the king for their conduct. But all recollection of the event immediately passed away, and those who had rendered the service failed to obtain the least consideration.

There was no accommodation for the troops in the shape of barracks, and much difficulty and trouble were experienced

* Murray to Egremont, Quebec, 3rd Oct., 1763. Can. Arch., Q., I, p. 169.

from this circumstance. The system of billeting became necessary, and it was one of the principal causes of the ill-feeling that arose at Montreal between the citizens and the troops, which it will be seen led to bad consequences.

At the time Murray received his commission, two civil officers arrived from England, William Gregory, appointed chief justice, and George Suckling, attorney-general. Nothing however can be discovered of the antecedents of these men; it was scarcely possible to find two persons more unfit for their position. Neither knew a word of French, and both formed a false idea of their obligations and the mode of their fulfilment. They were soon superseded, the chief justice being notified on February the 5th, 1766, that in consequence of his conduct his majesty "has no more occasion for his services," and on the 6th of March a similar communication was sent to Suckling.* They appear to have made law as cumbersome and as expensive as it could be made, and in no way to have understood the responsibility of the duties they had undertaken.

On their arrival Murray reconstructed his council. The chief justice was appointed president, with seven members, viz., colonel Paulus *Æmilius* Irving, Hector Theophile Cramahé, both of whom had been in the former council, Adam Mabane, a staff surgeon of the garrison, Walter Murray, captain Samuel Holland, appointed surveyor general, Benjamin Price, Thomas Dunn, and François Mounier. By an ordinance of the 17th of September, 1764, the government of the district of Three Rivers was abolished. There remained accordingly only the districts of Quebec and Montreal; the boundary of which was the river Saint Maurice to the north, and the river Godefroy to the south.

In September the ordinances establishing the courts of justice were published. They consisted of the king's bench holding sessions at Quebec twice a year, in January and June, to try civil and criminal causes, according to the law of England, with appeal to the governor in council when the

* Can. Arch., Q., 3, pp. 1-4.

sums involved exceeded £300, and to the king when exceeding £500. All qualified to act as jurymen were to be so admitted, without regard to religious belief.* The chief justice once a year was to hold a court of assize and jail delivery after Hilary † term, in Montreal and Three Rivers. A court of common pleas was established, the judge to determine according to equity, having regard to the laws of England. The trials were to be by jury, if demanded by either party ; two terms to be held during the year. The suits to involve values above £10, with liberty of appeal to the superior court in cases above £20. For the higher amounts the same rights of appeal were granted as in the court of Queen's Bench. In cases commenced previous to the 1st of October, 1764, French law to be recognized.

Justices of the peace were appointed for their respective districts, one justice to have jurisdiction in disputes to the value of £5; cases to the value of £10 to be determined by two justices. Three justices would form a quorum to hold quarter sessions to adjudicate in cases from £10 to £30. Two justices to sit weekly in rotation in Quebec and Montreal.

An ordinance was passed establishing the guinea at £1 8s. and the shilling at 1s. 4d. currency ; provision was also made against the undue importation of copper coins. An ordinance regulated the sale of bread. On the 6th of November, an ordinance bearing upon property, and establishing the age of majority at twenty-one, was published. The titles by cession and the rights of heritage obtained previous to the definitive treaty, were declared to be legal when in accordance with the forms observed until the conquest ; but after the 10th of August, 1764, property transmitted through death was made subject to English law. The Canadians did not observe this

* In February, 1766, Murray received instructions to modify the practice of the courts. He was directed to pass an ordinance admitting Canadians of French origin to serve on juries. In suits affecting British contestants only, the jury should be British. When one was French Canadian, the jury should be mixed. When both parties were French Canadian, the jury should be so constituted. Canadians were likewise admitted to practise as advocates in the courts.

† Hilary term extends from the 4th to the 31st January.

new regulation, but continued to follow their old customs. The ordinances were legalized when proclaimed by beat of drum in Quebec, Three Rivers, and Montreal. They were published in the *Quebec Gazette* in French and English.

It was at this date that printing was introduced into Canada, no press having been in operation during French rule. *The Quebec Gazette* was first published on the 21st of June, 1764. There can be no doubt that Murray was the principal cause of its establishment; there being no printers in Canada, they were found in Philadelphia; William Brown and Thomas Gilmore. The latter sailed to England to make arrangements for the type, press, and paper. Brown came to Quebec to obtain subscribers. The paper was published in columns of French and English. Advertisements could be inserted in either, or both languages: it appeared weekly. The establishment of the *Quebec Gazette* was also the commencement of printing in the province, no book or document having been actually printed in Canada previous to this date.*

In October the first quarter sessions grand jury, which assembled in Canada, met at Quebec. Possibly on no other occasion have the duties of this body been more misunderstood, and seldom has the spirit of faction been more apparent. As might have been expected, there was a failure in many directions to appreciate at their precise value the rights and obligations conferred by the royal proclamation. In every department of life, there was much to be determined and modelled; the provisions of the new constitution required time to be correctly formulated, and to obtain effect and vigour. We cannot then be surprised, if attempts were made to give a special meaning to some of its provisions, and that claims unwarranted by law, and unsustained by expediency were from time to time preferred. The meeting of the first grand jury is a proof of the activity of this sentiment, and

The *Gazette* was the only published paper in Quebec for a quarter of a century until 1788. The subscription was \$3 per year. It continued to be issued weekly until 1818, nearly half a century, when it appeared twice a week, Monday and Thursday, and was so continued until 1832. About eighteen months after its appearance the paper was suspended for some little time.

shews how imperfectly at this early date the condition of the province was understood. In the charge made to the jury Canada is represented as an "infant colony." To any one bearing in mind that at this date Canada contained between 80,000 and 90,000 inhabitants, having a code of laws with the accompaniments attendant on a civilized government which had prevailed for a century and a half, such a description can only be looked upon as ridiculous. The grand jury availed themselves of this expression in the enumeration of their supposed grievances, possibly encouraged by it, to make a presentment, to which it may safely be said no parallel can be found. It consisted of fifteen heads. It represented that:

1. The great number of inferior courts was tiresome, litigious and expensive.
2. The great number of justices of the peace, selected from so few qualified and fit to be entrusted with determining the liberty and prosperity of others, was burdensome, and should not be put in practice in such an infant colony.
3. It answered no good end to waste time in attending at courts, where no man on the bench was qualified to explain the law.
4. It would be reasonable to leave to the decision of any three justices of the peace, finally to decide the fate of any sum not exceeding ten pounds, without appeal.
5. The market places had been converted into huts and stalls for a multitude of idlers who ought to be employed in fishing, farming, etc.
6. The king's batteries, docks and wharves, had been given away as private property.
7. The better observance of the sabbath was called for; so that it should not be profaned by selling, buying, keeping open shop, balls, routs, gaming, or other idle diversions, and that a learned clergy was required to preach the gospel in both languages.
8. They resolved never to sit as jurors in a court where a man versed in the law did not preside.
9. The grand jury was the only body representing the

colony; as British subjects they had accordingly the right to be consulted before any ordinance passed into law.

10. A demand was made that the public accounts should be laid before the grand jury at least twice in the year.

11. An ordinance had been passed which made valid all the decisions given by the military courts during the three years of occupation. The grand jury recommended that a change should be made permitting an appeal to the civil courts for any amount exceeding £10.

12. They presented the ordinances of the governor and council establishing courts of judicature in the province, as unconstitutional; accordingly that they should be amended.

13. Proper regulations were required for the measurement, and to mark the quality of firewood; to regulate carts and carriages; for cleaning of streets; and for the establishment of public protestant schools and a poor-house.

14. For the suppression of gaming-houses, particularly the Quebec Arms kept by John King, which was presented from personal knowledge as a notorious nuisance.

15. It was demanded that persons going on their business should not be liable to imprisonment by sentries, sergeants and officers.

From the face of the presentment it would appear that no difference of opinion was to be inferred. The contrary, however, was the case as will presently be seen. The names of the foremen and twenty French and English jurors were appended; among the latter appeared that of Adam Lymburner, the founder of the firm at Quebec, one of whom a quarter of a century later was to appear as an agent of the British party before the house of commons.*

A supplemental clause was added, to which only the signatures of the foreman and thirteen others were appended; the remainder refused to sign. It set forth that not the least

* The other names are of little significance: that of Alywin appears, supposed to be the grandfather of the eminent judge of that name. We read also that of Faneuil, so well known in the history of Boston. The opinion forces itself upon the reader, that most of the English speaking members had reached Canada from New England.

grievance was, that persons professing the religion of Rome and recognizing the supremacy of the pope should be sworn as jurors, for they were disabled from holding any office of trust or power by the 3rd James I. chap 5. Such men being named jurors acted in open violation of "our most sacred laws and liberty, tending to the entire subversion of the protestant religion and his majesty's authority." It was added that for gentlemen in the army on active service to exercise any judicial authority was unconstitutional.

The presiding justices listened with some bewilderment to these unusual and unwarrantable pretensions from a body whose duties law and custom had clearly defined; at the best a farrago of mischievous folly of a few individuals, without political experience, with no defined ideas of constitutional government, who had failed to see that at this crisis what was most called for was patience, consideration due to others, and a careful estimate of the circumstances under which the new order of things was to be applied. Accordingly, the justices felt it their duty publicly to express their disapprobation of the tone of this document, and to condemn the doctrines if advocated. Placing in prominence the fact that the presentment was the work of a grand jury of the quarter sessions, the clerk was directed to read it paragraph by paragraph, the chairman replying to each statement. He pointed out that there were fewer courts in Canada than in any other American province; that Canada was not an infant colony, but large and respectable in character, and even required more justices, if competent people could be found; and that those presiding at a court of quarter sessions need not necessarily be learned in the law. The proposal to submit cases to three justices of the peace was impracticable, except in Montreal and Quebec, for that number could not elsewhere be brought together. As to the threat of the juries absenting themselves when summoned, if they did so they could be fined. The grand jury in no way represented the province, and their pretensions on this point were ridiculous. The practices of which they complained were in certain cases

worthy of attention, some of which were already under consideration. The introduction of any religious test was burdensome and inadmissible. As to officers on service acting as they represented, there was only one such case.

The presentment awoke opposition in another quarter. The six French Canadians whose names were attached to the first fifteen clauses, asked for a translation of the paper they had signed. On learning its contents, they repudiated all connection with it, as having appended their names under misrepresentation. Some articles they were opposed to, some they had misunderstood; the meaning of others had not been explained; and in two cases they affirmed that the matter had not been deliberated, but only partially considered in a conversational way. The twelfth article they had conceived to be a recommendation that French Canadian advocates should be allowed to plead, for there was not an English lawyer who understood French. The document concluded with a general protest against the exclusion of Canadians from any office on the ground of their being Roman catholics.

On the 29th October the dissentient members forwarded a petition to the king formally complaining of the presentment; they asked that the courts established by the governor should be confirmed; that they should be allowed to sit as jurors; that notaries and advocates should be permitted to act in accordance with ancient usage; and that the laws should be published in French.

Murray did not remain idle during this attack upon his administration; he sent lists to England of the persons, who, as protestants, had arrogated to themselves the government of the country. They were a few in excess of two hundred who thus desired to control some eighty thousand French Canadians. In Quebec the number was one hundred and forty-four; in Montreal fifty-six, and there were not ten protestant free-holders in the province. As might have been expected the grand jury was greatly blamed by the "king in council" for assuming the authority of a house of representatives, against the order of the crown, and for supporting their

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presentment by the names of French Canadian inhabitants, who had declared that they were fraudulently induced to sign it. The governor was instructed to signify his majesty's highest disapprobation of such proceedings, further "that his majesty will give the utmost attention and consideration to proper representations from his Canadian subjects, and will cause to be removed every grievance, of which they may have reason justly to complain." *

From what has been said, it may be conceived that Murray commenced his government threatened by many elements of discord. There was no system of law, no true public opinion throwing light on the establishment of a constitution, no forbearance on the part of the small population who, as old subjects, were supposed to be ranged on the side of authority. Every new principle had to be conceived, described in intelligible language, and perfected. The very position of the governor was not defined. The governorship of a colony had been regarded as a political prize, attainable by past services; or given as the purchase of silence to a troublesome opponent of the government. The profits were regarded as a sinecure. Amherst was governor of Virginia on these conditions. The position of the governor of Canada had been offered to Chatham, with £5,000 a year and the pledge that a special act would be introduced, which would enable him to retain his seat in parliament. The position at one time had been an aspiration of Wilkes. To have enforced the necessity of residence would, in the view of a political adventurer, have been the creation of an office of little estimation, beyond the emoluments which accompanied it; and they barely satisfied the expenditure exacted. It would have been regarded as banishment by an ambitious politician, had he been removed from the house of commons. Nevertheless, few more noble appeals to patriotism and the desire to be useful could be found, than that of worthily establishing British rule in the newly conquered province. The difficulty, however, of governing in America was well known and the

* Conway to Murray, 8th Nov., 1763. Can. Arch., Q., 2, p. 465.

personal advantages of the office were not looked upon as commensurate with its risks and demands. It is not impossible, that the hesitation which can be traced in Murray's appointment may, to some extent, have arisen from the coquetting of prominent public men, about the acceptance of the office. Even bearing in mind the ministerial complications of this date, it is difficult otherwise to assign a satisfactory explanation for the delay between the signature of the treaty and Murray's nomination.

From Murray's letters it is plain that the few protestants who were in the country looked forward to rule it, utterly ignoring the bulk of the French Canadian population. In 1764 they numbered two hundred, on Murray's recall in 1766 they had increased to four hundred and fifty. If Murray's description of them can be accepted, they were generally men of mean education, bent upon unscrupulously making money, without morality,* and contemptible in character; either young beginners, or if old traders, they were those who had failed in other countries. On the other hand, Murray had lived much among the French Canadians of Quebec since Wolfe's victory of September, 1759, a period of five years, and he had formed a high opinion of them as a body, frequently expressed in his letters, and he would in no way be a party to their being treated with injustice and wrong by those whom he described as "licentious fanatics." Murray well understood that the only government to be successful was one which declined to pander to faction; and that eighty thousand souls could not be told, that their laws and customs which had prevailed for a century and a half were to be arbitrarily set aside, at the demand of a minority of some score of new comers, many of whom had been in Canada for a few months only. However seriously Murray regarded the responsibility of his position, he was powerless to apply a remedy to the confusion. He was fettered by his instructions. Accordingly, in October 1764, he despatched Cramahé to London to submit the history of the difficulty, and to obtain the intervention of the home

* Murray to Lords of Trade, 3rd March, 1765. Can. Arch., Q., 2, p. 378.

government by which peace and order could be secured. There was no embarrassment to be looked for on the part of the new subjects. With a few privileges they would become the most faithful subjects in the American empire, but nothing would satisfy the pretensions of the new comers into the province but the expulsion of the Roman catholics. The English speaking portion of the inhabitants likewise engaged an agent in London to sustain the policy they were advocating, making any immediate settlement more complicated and less feasible. The republican sentiment which had grown to full strength in many parts of New England since the provinces had been freed from the terror of French invasion, joined to an increasing impatience of the restrictions imposed on American commerce, together with the unsatisfied ambition of many needy young lawyers, the number of whom had greatly increased in the northern provinces, and had extended even to Virginia, had acted upon political life, and had its reflex in Canada. Theories of government, undefined and impracticable, were prevalent among the small English speaking population brought into prominence by their greater commercial activity. The presentment of the Quebec grand jury is proof of the fact, that those professing these opinions acted in disregard of every interest but that represented by themselves; and it may also be added, with an indifference to any evil consequence that their intolerance might create. It was an impulse giving strength to the bad feeling which had arisen between the civilians in Montreal and the garrison. The British soldier in New York and Boston was looked upon in the most unfriendly spirit. He was the representative of imperial authority; and the feeling had been transplanted to Canada, that he might prove an impediment in the establishment of the power the extreme party desired to attain. This sentiment had obtained much strength in Montreal; things had grown from bad to worse. Bitter animosity had arisen between the officers and the British merchants, which had been increased by the latter acting as magistrates and administering the law. The French Canadians had their own causes

of dissatisfaction as a body: many prominent men were opposed to the introduction of English law, as much from prejudice and distrust, as from the weight of any actual grievance. The higher classes were directly affected by the change of nationality, for they suffered by being excluded from those positions of dignity and profit, which, under French rule, they had enjoyed as a matter of right. The ecclesiastics were unassured as to the policy, that in the future would be observed towards them: there had been no definition of the toleration guaranteed by the articles of capitulation. Disquietude was felt in all directions, traceable more to the unsettled feeling of what the future would bring forth, than to dissatisfaction with what had been done. The province was passing through one of those crises, when more weight is attached to the pertinacity and determination with which a claim is asserted, than to the justice upon which it is founded. There was forbearance in no quarter. The general endeavour was to obtain the prevalence of the opinions which each section of the divided population desired to see enforced; and the complicated interests involved suggested that only difficulty would arise, whatever form the policy followed might take. The character of the government was regarded as being but temporary. The proclamation by which it was established, was considered more as an assertion of authority, than as the deliberate affirmation of the form of rule. This view led to the greater effort that it should be modified and adapted, to meet the various theories which prevailed; and they were so contradictory and discordant, that it was scarcely possible to suggest a compromise, by which they could be reconciled. In this chaos of opinion, the only solution which presented itself to those in authority was that the proclamation should be acted upon to the letter, and the best government attainable in accordance with its provisions established.

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CHAPTER III.

It was in the midst of these disorders that important constitutional changes were to be effected in Canada. There were likewise other causes which increased the complications, arising from a disputed point of etiquette which ought to have been so clearly defined in London, as to have been unquestioned in Canada. Murray's commission as governor-in-chief gave him no military rank in Montreal and Three Rivers. When Gage, in October, 1763, was appointed commander-in-chief in New York, to replace Amherst, on his return to England, he had been succeeded by Burton, while Haldimand took Burton's place in Three Rivers. In July, 1764, Burton resigned his governorship; on the resignation being accepted Halifax wrote to Murray that the position was not to be continued either in Montreal or Three Rivers, and that when Burton retired, the command of the garrison was to devolve on the officer next in rank. Burton himself received permission to return to England, but on being confirmed in his rank as brigadier, he determined to remain in North America. He refused, however, in any way to recognize Murray's military rank, and assumed certain powers as the senior officer in command. In October, 1765, finding that the unpleasantness remained unadjusted, Murray brought the attention of Halifax to the fact that since his appointment as governor-in-chief, the officers in command in Montreal and Three Rivers refused to acknowledge him in a military capacity. He had appealed to Gage on the point, and Gage declined to recognize the right claimed by him. Murray complained of interference with the civil government on the part of Burton, and asked that orders should be sent restricting him to his military duties. He also considered that discipline had become relaxed. Burton had given a

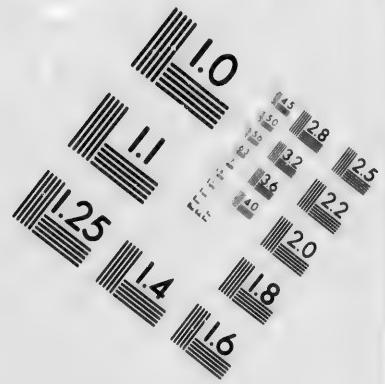
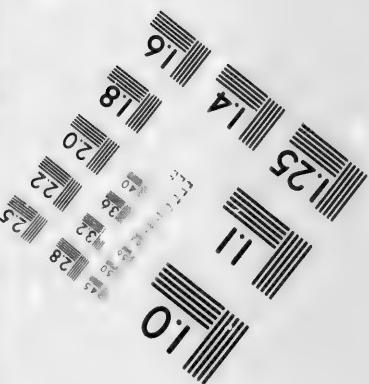
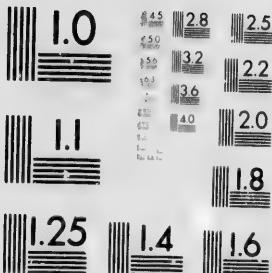
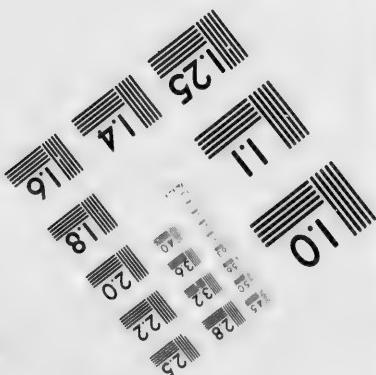


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trader a pass to the lands reserved for the Indians, and all that Murray could do was to write to Burton entreating him not to grant such permits. Murray was informed that no change would be made in the command of the troops and Burton was instructed that his powers were entirely military, and that he was not to interfere in civil matters.

Burton, accordingly, was not in good humor from the misunderstanding which had arisen between him and Murray. The latter was of opinion that Burton's dissatisfaction had arisen from his failure to obtain the governorship-in-chief of the province to which he had aspired, and that on the termination of the military occupation he had unwillingly descended from the position of being all powerful in his district to the command of a few troops. The indignation of Murray was so awakened that he wrote, that if Burton were removed it would be better for himself and everybody else. To the scandal of the British government there were no barracks in Montreal, although the garrison had held the city for four years. The necessity of billeting troops caused much heart-burning. Murray repeatedly pointed out the necessity of furnishing proper quarters for the garrison, but nothing had been done.

Some annoyance had been felt in military circles from the language of an address presented to Murray on his appointment by the Montreal merchants, in which they spoke of the arbitrary imprisonments and exactions they had suffered. Burton and some of his staff thought the statement a reflection on themselves. Accordingly, they obtained a declaration from some of the signers that the remark did not apply to them. As Murray states, they could mean no one else, for Gage had long left the city. Those signing this recantation were the parties who had not been made magistrates; consequently, the opposite party published an advertisement asking the public to suspend their judgment, till the law determined who was guilty. Thus on no side was forebearance exercised. The military acted impatiently, often insolently, having the disposition to resent what they held to be a want of observance of the consideration due them ; and, as is often the case,

the men in the ranks from *esprit de corps* took up the cause of their officers to increase the general unfriendliness. In this condition of feeling captain Frazer, the officer in charge of the billeting, sent a captain to the house of a French Canadian, where one of the justices was a lodger. The justice wrote and claimed exemption. Frazer replied that the rooms occupied by the justice were exempted, not the house where he lodged, and the officer persevered in taking possession of the quarters; upon which the justices issued a warrant for his committal, and he was arrested and imprisoned. Frazer was so angered by the proceeding that he wrote to Murray unless these men were dismissed from the magistracy, he could no longer act in his position. Murray replied that the matter must be referred to England. Montreal accordingly became divided into two hostile camps, everyone taking one side or the other. The magistrates in no way receded from their position; they even became more self-asserting, and on a formal complaint being made of their conduct, Murray summoned them to Quebec to explain their conduct.

Two nights before their intended departure occurred what is known as the Walker affair. Walker was an Englishman by birth, but he had been many years at Boston. He was strongly impregnated with New England theories, and, in the invasion of ten years later, was one of the leading supporters of the troops of congress. He was an active magistrate, foremost in the hostility shewn to the military, and in the dispute which I have mentioned as to the possession of the rooms, it was Walker who had committed the officer in question, captain Payne, to prison. Payne had insisted upon acting upon his billet, and in opposition to the proprietor, with more or less of force had taken possession of the quarters, and on being served with a protest notifying him that the rooms were let to other parties, he had paid no attention to it and refused to give up possession. The case was brought before Walker, who as a magistrate ordered Payne to vacate the rooms, and, on his refusing to comply, committed him to jail for contempt. He was released by a writ of *habeas corpus* on bail.

Walker's account of what followed was that on the 6th of December, 1764, as he was taking supper, a number of people disguised, some with blackened faces, others with rags before their features, forced their way into his room. He was attacked, having received fifty-two contusions. Among the severe wounds inflicted he lost a ear, which was cut off. As may be conceived, the event caused great excitement. Murray, from the commencement, protested against the outrage. It was not possible to discover its perpetrators, although much activity was exercised. The government offered a reward of £200, a free pardon, and a discharge from the army to any person who would give information as to who were the aggressors. The inhabitants of Montreal offered another £300, but not one of those connected with the affair would give evidence concerning it. No arrests were made, for no evidence could be procured; and it was not until two years had passed that further proceedings were taken, in November, 1766. Murray had then left the province, and Carleton was governor. Both chief justice Gregory and Suckling, the attorney-general, had been removed, and their places supplied by Hey and Masères. At that date one George Magovock, a discharged soldier of the 28th regiment, gave information that M. Saint Luc la Corne, captain Campbell, of the 27th, captain Disney, of the 44th, lieutenant Evans, of the 28th, Mr. Joseph Howard, a merchant, and captain Frazer, deputy pay-master general, were present at the outrage. The provost martial obtained a party of thirty men from one of the regiments, and seized the prisoners in their beds. They were taken to Quebec. Walker objected to their being bailed, pleading that if they were set at liberty he believed he would be in danger of his life. Carleton, the governor-general, had only arrived in the last week of September; there can be but little doubt that he acted under the instructions he had received in London, where the event had caused great indignation. The prisoners were committed to the common jail, although their application to be admitted to bail was sustained by a numerously signed petition of the

members of the council, the principal residents, and most of the officers of the garrison. As the chief justice refused bail they were sent back to Montreal, but by consent of the sheriff they were confined not in the jail, but in a private house. Walker desired the trial to be postponed. The chief justice replied he would consent, if a proper affidavit were given, but in such a case he should admit the prisoners to bail. Walker accordingly resolved to proceed. The first case was that of lieutenant Evans.* The grand jury threw out the bill. The attorney-general, at that time Francis Masères, who had been appointed the preceding September, expressed his surprise at the result. Masères sympathies were with Walker, and although a highly honourable man, the antagonism felt by him against everything French Canadian, on the ground of its being Roman catholic, led to his identification of sentiment with the small British population in their extravagant and unwarrantable demands.†

Walker's violent temper, the chief-justice described it as his

* A curious piece of evidence came out in the case. Evans had employed a German recruit to write letters in French to the young lady to whom he was paying his addresses, and whom he subsequently married. In one of her letters she had reproached her *prétendant* with taking part in the Walker affair. Evans had replied that it was a *coup de jeunesse* and ought not to prejudice him in her opinion.

† Francis Masères was of a good French family, whose grandfather had been driven from France on the revocation of the edict of Nantes; of five brothers, two, the head of the family, and a physician renounced protestanism. The three other brothers, all officers in the army distinguished by good service, refused to abandon their faith. One of these was Masères' grandfather. His writings establish the extent to which the family history had impressed his mind. His grandfather was well received by William III.; he took service under the great king with the other protestant refugees, and died a colonel in the army. His father was a physician living at Broadstreet, Soho, London. Masères himself was born the 15th of December, 1731: after a careful education he entered at Clare Hall, Cambridge. When twenty-one, he gained the classical medal lately instituted by the duke of Newcastle, chancellor of the University; the second on the list being Porteus of Christ's, afterwards bishop of London, so the competition for the honour was something more than perfunctory. He became a fellow of Clare and in 1758 attracted attention by his dissertation on the negative sign in Algebra. His mathematical knowledge was even remarkable in his own University, as the six volumes published by him, "Scriptores Logarithmici" [1791-1807] clearly

"unyielding and surly carriage," burst forth on the occasion. He made passionate reflections upon the conduct of the grand jury, and declared that he expected nothing better when he saw the list. The jury accordingly declared that they would enter upon no more business under such imputations, and desired to be discharged. The attorney-general acquiesced; but the judge would not agree to this view and added that if such a motion were made on the part of the crown, he was ready to declare that he saw no ground for it. If establish.* From the University Masères went to the Temple and attended the Western Circuit. On the dismissal of Suckling on the 6th of March, 1766, Masères was appointed attorney-general of Quebec. In October, 1769, having obtained leave of absence of twelve months, he proceeded to England with the intention of not returning to Canada.

In August, 1773, he became cursitor baron of the Exchequer, an office he held until his death on the 19th of May, 1814, in his 93rd year. He died at Reigate in Surrey. He invested some money in the three per cents in the names of the incumbents of a few parishes around Reigate in trust, to pay half a guinea to the clergyman who should preach an afternoon sermon; if no sermon was given, the half guinea was to be applied to the service of the poor.

Masères is remembered by his contributions to Canadian contemporary history. He published a volume containing many of the acts and reports of the time including his own report presented to Carleton and his remarks following Carleton's rejection of it, styled by him, "Collection of several commissions," 1772. Two volumes followed: "An Account of the Proceedings of the British and other Protestants, of the Province of Quebec, to obtain a House of Assembly in that Province," 1775, "Additional papers, &c.," 1776. The "Canadian Freeholder" appeared in three volumes in 1777, in which he discussed the influence of the Quebec act and its provisions upon Canada. There is also a volume of occasional essays published in 1805, twelve of which relate to the American contest and to Canadian affairs. Masères' great ability and honesty of purpose are clearly established by his writings; but his strong prejudices obscured his judgment and his sense of justice. He failed to see any question without the warp, which his Huguenot lineage and his strong protestant sentiment imparted to it. He thus lost all influence with Carleton, who, although entertaining great respect for his character and attainments, looked upon his recommendations with suspicion. It would have been beneficial had their relations been different; for there was much in Masères' views and recommendations worthy of consideration, which might have been successfully incorporated in the code of law he suggested. It speaks much for M^sères' character, that, in spite of his pronounced opinions, his statements are generally accepted, and his memory remains unassailed.

* The contents of these volumes are specified in the published catalogue of the library of Parliament, 1857, pp. 603-65.

the jury on the other hand desired to be dismissed he would act upon that wish. They agreed to continue, and next morning they brought in a true bill against major Disney.

Masères, however, to judge by the report of the chief-justice, made several applications to constitute the grand jury so that it would be favourably inclined to the prosecutor. He desired the panel to be reformed upon what Hey, the chief-justice, called "a doubtful and odious" statute of Henry VIII. and to punish them for concealments upon a still more odious statute of Henry VII.; all of which Hey peremptorily refused to entertain as highly unreasonable if not unconstitutional.

The grand jury having thrown out four of the bills, brought in the bill against Saint Luc la Corne with *ignoramus*. Town major Disney was tried on the 11th of March, 1767, upon two charges: one for burglary and felony in breaking and entering Walker's house at Montreal with an intention to murder; the second for feloniously and with malice aforethought cutting off the right ear of its occupant.

Masères prosecuted on the part of the crown. The prisoner was defended by Morison, Gregory and Antill. Magovock swore that he recognized major Disney. Mrs. Walker also identified him; she likewise testified to the presence of lieutenant Hamilton, but this testimony she afterwards withdrew. The whole scene did not occupy more than five minutes. Hey, the chief-justice who tried the case, made a special report upon it; he has recorded that there could be no doubt that Disney's absence was proved, he having been at a party, and dancing with a madame Landrief at the time the outrage was being committed, and was at supper when Burton, the commandant, sent for him. Disney was the town major. Several witnesses swore that he could not have been absent for five minutes without their knowing it. The jury found a verdict of "not guilty." The one witness on whom the prosecution relied, Magovock, was accused of telling his story for the purpose of obtaining the reward. He contradicted himself in the cross-examination, and his evidence was not in accord with that of Mr. and Mrs. Walker. His character was not in his favour for

he was accused of robbing a cellar, and was shortly after arrested for rape. The jury was absent for half an hour and returned with the verdict "not guilty." Of the twenty-one constituting the grand jury eight were French Canadians. St. Ours, Bellestre, Contrecoeur, Niverville, were decorated with the order of Saint Louis; La Bruyere, Niverville of Three Rivers, Normanville, de Cuissy, completed the number. At the request of Walker, the attorney-general objected to the chevaliers of Saint Louis being on the jury, as they had not taken the oath of allegiance. These objections they removed by cheerfully performing the ceremony.*

I have anticipated the date when a settlement was obtained of this troublesome difficulty, if this word can be used, for it appeared to me advisable to make the narrative of it consecutive. It, however, passes out of notice except for the part taken in the proceedings at Quebec by Irving and Mabane, which led to the removal by Carleton of their names from the council. This event I will relate in its proper place. At the time it was the cause of much commotion, and left behind traces of dissatisfaction, to continue in activity till the revolutionary force of congress attempted to take possession of Canada. Walker then shewed himself an active sympathiser on their side. The whole affair is a proof of the strained feeling between the civilians and the military at Montreal, which in no way decreased during the period that Murray remained. On Carleton's arrival it gradually quieted down, until again called forth by the appearance of the hostile provincial forces on the west of lake Champlain.

Walker himself did not relax his agitation. There were frequent complaints of his insolent overbearing conduct, so that no magistrate would sit with him, and he succeeded by seditious insinuations in preventing the jurors summoned in Montreal from performing their duty. Murray accordingly

* The report of the trial was printed by Brown and Gilmour, at Quebec, in 1767. It consists of 46 pp. The opening address and reply of Masères are given in full. The book is rare, being the second book which appeared in Canada. It is in the parliamentary library. The first book published is generally believed to be "*Catéchisme du Diocèse de Sens, imprimé à Québec chez Browne et Gilmour, 1765.*"

dismissed him from the magistracy. Walker, however, possessed influence in England, which so impressed Conway, then the secretary of the colonies, that an order was sent to Murray that he should be immediately restored to his position and be protected by the government,* and that he should be unmolested in his business pursuits. Particular instructions were sent to Michillimackinac and Detroit, that every countenance should be given to him. Conway declared that his general character was supported by the testimony of very respectable people both in Canada and London.

In October, 1765, Murray received instructions from Conway to be prepared to return, to give an account of the state of the province and the cause of the disorders; but not to leave until a proper person had been named to act during his absence. In the following February, Murray wrote to Conway that Walker was using lord Dartmouth's name publicly, declaring that it was by Walker's influence Murray had been recalled; and that he himself, protected by the ministry in London was treating with contempt every ordinance of the civil power. Murray was indignant that Walker should have been placed in possession of information, to be used in the form he made it public.[†]

A few weeks later, previous to March 1765, a further conflict took place between the magistrates and the garrison. The circumstances are not explained under which some men of the 28th came into contact with the law, but they were summarily committed for jail. The proceeding was so resented by the regiment, that the commanding officer wrote to Burton, that his men were in a high state of excitement from treatment of their comrades; and that he dreaded a mutiny. The letter was forwarded to Murray, who went immediately to Montreal. He found everything in confusion. The inhabitants spoke and acted as if their lives were in danger, and a

* 28th of March, 1766. Can. Arch., Q., 3, p. 5.

† Murray wrote on the 3rd of February. [Can. Arch., Q., 3, p. 123.] "I am far from doubting the recall, but I must lament that Mr. Walker should have known it before I did, and that some of the clerks of the offices had communicated to him what he had no right to know."

guard of them stood nightly over Walker's house. During Murray's stay the troops behaved submissively enough. He instituted inquiries into the Walker outrage, and could learn little; he made an inquiry as to the committal of captain Payne to jail on account of the disputed billet, and he formed the conclusion that it was the "exhibition of a turbulent, vindictive spirit." He endeavoured to lead all parties to moderation and sense, and after remaining a month returned to Quebec; there he effected the arrangement that the regiment should be sent away and replaced by another. Two nights before the departure of the 28th from Montreal a body of the men went armed to the jail and released the prisoners of the regiment confined there. They were followed, and at five miles from town the men were taken and brought back. That night, at twelve o'clock, the jail was again attacked and the prisoners released. They were afterwards found at the fort at Chambly, where a detachment of the regiment was quartered. There is no record of the steps taken against the mutineers. When at Quebec, Murray endeavoured to find out the ringleaders. He could obtain no information in the regiment. Some of them, identified by the deputy sheriff, were committed by the magistrates, and held by the civil power, and were to be tried at the same sessions with those accused of cutting off Walker's ear. I can find no record of the result of the trial.

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CHAPTER IV.

In the establishment of the government of Canada under British rule, there was no consideration which called for more judgment and careful provision than that of the religious feelings of the new subjects. It was known that they were strongly attached to the creed which they professed, and its attendant ceremonies; and however limited the rights granted by the treaty, policy and justice equally demanded the most liberal interpretation of them, in order that no cause for discontent should be created by narrowness of spirit or positive wrong. At the same time the necessity of acting with prudence was perfectly understood, for there was great ecclesiastical activity and much to suggest that, however temperately the demands might apparently be made, they would require full examination before being finally conceded.

Egremont, when announcing to Murray his appointment as governor, had expressed his fears that the old inhabitants might use the privilege of professing their ancient creed to keep up the connection with France, and under this influence be induced to take part in any attempt to regain the country. The priests consequently were not to be allowed to meddle in civil matters, and any of them who did so were to be removed. There was no desire of restraining the exercise of their religion as far as the laws of Great Britain permitted, their condition being one of toleration. The matter, he said, had been clearly understood during the negotiations for the definitive treaty. The French minister had proposed to stipulate that the rights should be observed as in former times, and asked that the words "*comme ci-devant*" should be introduced. The plenipotentiaries had persisted in this request, and abandoned it only when they were told it would be deceiving them to insert such a condition. Everything,

however, was to be avoided which would alarm or give offence to the new subjects. Murray was instructed to refuse to Le Loutre the right of remaining in Canada, and that every foreign priest, on first coming to the province, was to appear before the governor and take the oath of allegiance.

The publication in Canada of the articles of the treaty had not restored confidence on the point of religion, and much uneasiness was felt regarding it. Neither in the capitulation of Quebec nor of Montreal, was there any positive assurance on the subject. By the articles of capitulation of the former, the free exercise of religion was accorded until the future possession of Canada was determined. At Montreal, the free exercise of religion was permitted, while many demands were refused until the king's pleasure was known.* In the fourth article of the treaty of the 10th of February, 1763, clause IV. granted liberty of the catholic religion to the inhabitants of Canada, and the king pledged himself to give the most precise and most effectual orders that his new Roman catholic subjects might profess the worship of their religion according to the rights of the Romish church, as far as the laws of Great Britain permitted.

In bringing this subject to the notice of the home government, Murray represented the Canadians to be an honest, good people, much attached to their faith, and full of respect for their priests; and that any fears which they entertained were not for themselves but for their children, as no provision was made to supply the priesthood when vacancies occurred.

The dean and chapter of Quebec, on petitioning the crown, stated that the result was awaited with impatience. If regulations were introduced contrary to the spirit of the treaty, the province would be depopulated and become a vast desert. Two modes of providing for the emergency were pointed out.

* Ante, IV., pp. 306, 424. The words at Quebec are [art. 6]: "Libre exercice de la Religion Romaine Sauvegardés accordés," &c. At Montreal [art. 27]: "Accordé pour le Libre Exercise de leur Religion;" &c. It must be remembered that both at Quebec and Montreal the articles were only drawn up in French, and no authorized English translation is available for reference.

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One was to introduce into the province ordained priests from Europe ; it found little favour. The second was the election of a bishop by the chapter to be paid by a tax laid on the *habitants*, or by an appropriation from custom duties. Mr. Charest, a priest of the seminary, was deputed to carry the petition to England. Murray declined to transmit it ; nevertheless, he spoke favourably of Charest as a worthy, good man whose religious zeal, however, somewhat inclined to bigotry. The jesuits also were not idle. In October, 1763, by their head, de Glapion, they petitioned the king to be placed in possession of their buildings and property, to be allowed to continue the education of youth, and to bring from Europe members of their order in sufficient numbers to fulfil their different duties.*

Murray had been warned to be on his guard against the abbé Lacorne, head of the chapter in Quebec, who, when in England, had made an attempt to discuss the principles on which the Roman church in Canada should hereafter be governed. He had applied to the French ambassador for his countenance, and the latter had officially written to Egremont requesting him to confer with Lacorne on the subject. The request was summarily refused on the ground, that the French king had no right to interfere between the king of Great Britain, and his new subjects. Murray was instructed that in case of the interference of Lacorne in civil or political matters, he was to be warned to confine himself to the duties of his church, and so long as he so acted he was to be treated with the respect due to his character and order.† Murray's own view was that some means should be taken to educate

* This appeal was made three years after the decision of the parliament of Paris in the matter of the bankruptcy of the jesuit father La Valette and father Sacy, the procurator general of missions, and only a few months previously to the 9th of March, 1764, when all members of the society of Jesus had been ordered to leave France within the month. Two years before this date the memorable reply of Ricci had been given to Louis XV. that the jesuits must be as they are or not at all. "*Sint ut sunt aut non sint.*" After being expelled from every country in Europe, the order was suppressed by Clement XIV. in 1773.

† Can. Arch., Q., I., p. 117, 129.

Canadian youth for the priesthood, and that they might be sent to some friendly power at the public expense to be ordained. He proposed that the Jesuits, who were few in number, should be provided for by a pension; their estates put under proper management and leased to English farmers, to obtain a better description of husbandry. The seminary of Montreal, which was wealthy, should be compelled either to sell out its effects and depart, or to cease all connection with the seminary at Paris, and to join that of Quebec. The government of the church, he considered, should be placed in the hands of three vicars-general, one of whom should be head of the seminary in Montreal. This arrangement was suggested on the theory of the non-appointment of any bishop. Murray looked upon Lacorne's conduct in London as directed by the desire of obtaining a mitre for himself; and he expressed his own opinion of Lacorne's unfitness for the position. He gave the same opinion as to M. Montgolfier, and recommended that, if the dignity was to be conferred, it should be given to M. Briand. Lacorne subsequently placed in the hands of the government a copy of his memorial. It had arisen entirely with himself, and it was by no means consequent upon a mission which had been entrusted to him.*

* Murray plainly stated his objections both to Lacorne and Montgolfier. Of the former he said: "The well-known Bigotry and Superstition of the Family from which he originates, the Aversion his brothers have ever borne to the British name, and the relentless cruelties they have formerly exercised upon its subjects gave little room to expect a sudden conversion to our interest." Of Montgolfier he stated that "he had the assurance to write to a Monsieur Houdin, at that time chaplain to His Majesty's 48th Regiment, formerly a Recollet in this country," a letter, the copy of which he enclosed. This letter is not in the volume of archives and cannot therefore be described. "He, Montgolfier, pushed matters so far as to have the Dead bodies of some soldiers taken up because Heretics should not be interred in consecrated ground. Such Behaviour could not fail of giving great disgust to the king's British subjects in these parts. If so haughty and imperious a priest, well related in France, is placed at the Head of the Church in this Country, he may hereafter occasion much Mischief if ever he finds a proper Opportunity to display his Rancour and malice."

Murray described Briand as having "acted with a Candour, Moderation and a Delicacy in such circumstances as to deserve the highest commendation."

Can. Arch., Q., I., pp. 258-260.

The selection was finally made of Mgr. Briand who was consecrated as bishop in Paris, March, 1766. He did not however, reach Quebec until the 28th of June, the day when Murray sailed. The arrival of Mgr. Briand * was announced by colonel P. Emilius Irving as an event to have a good effect with the new subjects. It is uncertain whether any meeting took place on this occasion between Murray and the new bishop. My belief is that they did not meet. †

* Mgr. Briand was born the 23rd of January, 1715, at Plerin, in the diocese of Saint Brienne, France. He was ordained priest the 16th March, 1739. Two years later he left for Canada with M. de Pontbriand, who appointed him one of the canons of Quebec Cathedral. He died on the 25th June, 1794, aged eighty-one. When seventy years old he appointed a coadjutor, Mgr. d'Eglis, subsequently Mgr. Bailly, both of whom died before him. It was said of him he lived to see the death of the coadjutor of the coadjutor of his first coadjutor.

† The recognition of the bishop of Quebec was never the subject of parliamentary debate. The cause may be assigned to the desire of avoiding the stormy discussion which would have followed. One consequence to be looked for was that some challenge would have been uttered as to the power of the crown, independent of parliament, over conquered territories in the matter of rights guaranteed by treaties, especially in relation to the continuance of the laws previously in force, and with regard to the right of introducing the laws of England. Masères and those who thought with him were of opinion that Briand's position as a bishop should have been defined by act of parliament, not as he described it "privately, almost clandestinely, by mere connivance of ministers."* He declared that he could never discover that there was ever any patent, or warrant under the royal signature, conferring the authority for Briand's exercise of his episcopal functions. There was simply a recommendation to appoint a superintendent of clergy, at the moderate sum of £200 sterling yearly income, which was carried into effect during the Government of the marquis of Rockingham, through the influence of Burke.

Monseigneur Briand on his return to Quebec assumed the full title of his position.† His manner of doing so however was sufficiently modest, he declined to accept the compliment previously paid to his predecessors in the days of French rule. He did not pretend, he said, to be a bishop on the same high footing as they were, and did not desire to be treated with the same ceremony and respect which they had obtained. One of his chief duties was to ordain priests for the offices of the church.‡ Indeed for some months he wore the *soutane* like other Roman ecclesiastics; afterwards he assumed the purple robe with the golden cross, the mark of his episcopal dignity. Some complaints must have been sent to London complaining of his living in pomp exhibiting the pageantry of the

* Occasional essays, 1809. p. 369.

† Par la grace de Dieu et du Saint Siège, Évêque de Quebec.

‡ Un simple faiseur de prêtres.

The commercial relations of the country, which were much complicated, were also the subject of anxiety. It was not easy to establish sound principles of commerce; indeed at that date they found little acceptance in any direction. The slave trade was a recognized branch of enterprise, and there was the almost general belief that a monopoly of trade was the soundest basis for the interchange of produce. Each interest, however relatively petty, regarded its own development as the first consideration, whatever the loss to the community from the restrictions enforced to obtain special protection. Freedom of commercial intercourse nowhere found recognition, and the broader, more philosophical condemnation of monopoly and its attendant abuses had not even been discussed.* There were no manufactures in Canada; they were yet to be created; so there was no special discouragement of an interest which did not exist. But there was an observance of the universal law of Europe, by which the commerce of Canada was retained for the benefit of the mercantile interest of the centre of the empire. Many were

church of Rome, and of his erecting a magnificent palace, for early in 1769 Carleton wrote on the subject, denying that such was the case;† the bishop himself lived in a small apartment in the seminary, taking his meals at the common table. His building operations had been to place a roof on the bishop's palace, the walls of which were standing, and to make it tenable, the building being let for public offices. One public procession only was ever seen, the *Fête Dieu* which annually took place on the Sunday succeeding *Corpus Christi*, as had always been the custom. Before the expiration of ten years, however, Mgr. Briand had attained to the full strength of his rank. Although a man of great judgment, who as a rule steered through the difficulties of his position with temper and ability, he could not avoid embarrassing disputes. That with M. Vincelot, seigneur of L'Islet, whom with all his family he excommunicated, was decided against the bishop in court. His excommunication of the entire inhabitants of the parish of Saint John, of which M. de Gaspé was seigneur, on account of a marriage taking place independently of the church, led to some commotion, and was only removed by him at the personal intervention of the de Gaspé family, which, owing to their residence near the spot, was included in it.

The account of these incidents is given by Masères [Additional papers, etc., pp. 120-127]. The parish was the modern Saint Jean de Port Joly.

† Carleton to Hillsborough, 15th March, 1769. Can. Arch., Q., 6., p. 34.

* The Wealth of Nations, by Adam Smith, was first published in 1776.

engaged in smuggling goods brought from France. Murray exerted himself to prevent the practice, and not always successfully. If a strong party in France had willingly seen the political connection with Canada severed, considering the relationship to be only a source of expense without corresponding advantages, many of the commercial classes desired to retain the trade of former days. The navigation acts enforced that the vessels engaged in the trade should be built either in England, or the colonies, and that two thirds of the crew should be British subjects. Thus, all that was enacted in their enforcement was theoretically in the national interest, and claimed to be without hardship to the province which possessed its own vessels. The cruisers engaged in the prevention of foreign trade, by their vigilance greatly restricted smuggling; consequently the islands of Saint Pierre and Miquelon became the deposit for the importations designed for Canada and for New England. In 1764 a vessel from London, short of water, put in to Saint Pierre; those visiting the place found every house filled with merchandise. The course taken was to land the goods for Canada low down the river, and in winter to bring them up by sleighs. On other occasions, convenient spots on the New England coast were chosen, where they could be landed undisturbed.*

In consequence of the season of 1764 being unfavourable to the French fisheries, purchases of fish had been made from the New England fishermen, payment being made in manufactured goods which were conveyed to New England and landed at spots untroubled by custom houses, whence they could be easily distributed. The spirit of smuggling was the leading principle of New England commerce. It will be seen that the efforts to suppress it exercised a powerful influence in creating the bad feeling towards Great Britain. It was one of the causes of that desire for separation entertained by an active minority, that on every opportunity acted upon its opinions, sustaining them by the parade of other grievances.

* Murray to Halifax, 28th October. Can. Arch., Q., 2, p. 224.

Without a recognition of this feeling, which to the time of the declaration of independence was not only carefully concealed, but repudiated by the provincial agents in London, we fail to seize the key to the complications which ensued. They will in a future chapter be more fully related.

Murray's repeated representations that barracks should be constructed in Montreal finally obtained attention, and in 1765 buildings for the accommodation of the troops were erected. But misfortune frowned upon the enterprise, for in February, 1766, when they were in a condition to receive the troops they were burned, with all the stores placed in them. At the time it was supposed that the fire was the work of an incendiary. Accordingly, it was considered necessary to call a public meeting, and appeal to the inhabitants to make arrangements for giving shelter to the troops. Captain Carden, the officer in charge of the duty, reported that those present listened to the request without any expression of opinion. The magistrates who attended gave no support to the government, while some of the Canadians present, Guy and Adhèmar, with a Swiss, one de Saule, declaimed with some violence against the demand. Hertel de Rouville who had been sent from Three Rivers, sustained the application, and accompanied by Carden went among the inhabitants on whom the soldiers were billeted, and succeeded in persuading them, except in some cases, as de Rouville says, when good cause was given, to keep the troops until the 1st of May, at which date it was resolved to hire houses for their accommodation.

It is worthy of being placed on record that Carden, writing on the 23rd of January, reports the violent shock of an earthquake, and it could have been no ordinary event thus to attract public attention.*

Much exaggeration has been expressed with regard to

* Carden's words are: "We had this morning at five a violent shock of an earthquake," 23rd January, 1766. The recurrence of similar phenomena in 1638, and 1663 [ante, vol. I., p. 165 : 290-3,] with this recorded event, may perhaps lead to the belief that the northern part of the continent is not so utterly free from these seismic influences as many scientific writers have declared.

the extent of emigration from Canada after the peace. In January, 1764, de Guerchy, the French ambassador in London, by direction of his court, complained of the extortionate charges made by the captains of sailing vessels for passage money from the French Canadians, in excess of what was asked in other cases: in itself an obstruction to any desire on the part of the new subjects to return to France. Murray was instructed to prevent such exaction if practised. As no complaint had been made at Quebec, and the allegation was contrary to fact, the statement created much surprise. The protest was accompanied by an application to send French ships to Quebec. Suspicion was excited at this unusual demand, and it was looked upon in London as an attempt to multiply the emigration from France, rather than as the means of aiding those who wished to return there.

Murray replied that the price of the passage home in all cases was fifteen guineas, those going on shipboard finding their own provisions, and that there was no want of ships for such as were desirous of leaving Canada, very few having that intention. In August, Murray reported that throughout the whole province two hundred and seventy souls, men, women and children, were all that had determined to return to France. They were chiefly officers and their families. Of this number Haldimand stated that five only were leaving Three Rivers,* two women, two children, and one servant.

The French Canadians felt depressed at the prospect of not obtaining the value of the paper money issued during the war held by them; to a great extent, it was a matter beyond the control of the British ministry. This money had ceased to be current since 1760.† I have related the course followed by the imperial government to obtain payment, and the arrangement ultimately effected. I think it right to recur to the subject; for the correspondence of this date establishes the fair treatment that the Canadian holders of the money

* Can. Arch., Q., 2, p. 270.

† Ante, vol. IV., pp. 459-461.

received, and the effort made by the British government on their behalf to obtain recognition of the obligation.*

One of the earliest acts of the holders in Montreal, on hearing of the signature of the preliminary articles of peace, was to petition the home authorities to protect their interests. The petition was favourably received; the crown undertook to make every exertion to obtain payment for the amounts due, and in December, 1763, Halifax wrote to Murray to obtain a return of the amount in circulation in the three governments. In February, 1764, Murray replied to Halifax, that, as the paper money had become a matter of traffic, on the preceding 27th of May he had published a declaration on the subject. He had assembled the Canadian merchants, and had enforced upon them the absurdity of their parting with their money for almost nothing, as they must do if they sold it at that time, and recommended that they should wait the result of these negotiations. In order to carry out the instructions he had received, Murray opened an office, and invited every possessor of such money to register his claim, so that the French government would be unable to plead, that the money held in Canada had been designedly sent from France for the purpose of being included in the claim for liquidation. Many of the English merchants speculated in the purchase, paying fifteen *livres* in the hundred to those who would sell. There is no ground for the statement that the French ministry employed agents to buy up the paper at a cheap rate.

Instructions were given in Three Rivers and Montreal for a similar registration to be made, and in August, 1764,

* Mr. Garneau, vol. II., p. 382, Ed. 1882, makes the following remark : "La créance des Canadiens immense pour le pays, fut presque, entièrement perdue par eux. Des négociants et des officiers anglais achetèrent à vil prix une partie de ces papiers, et en revendirent argent comptant une portion, à des facteurs français, sur la place de Londres." I cannot find a shred of evidence for this statement. On the contrary, repeated warning was given to the Canadians not to sacrifice their notes; the whole effort of men in power was to place them above the influence of the speculator.

Murray reported that the total amount of the paper money in circulation was nearly seventeen millions of *livres*.*

An attempt to depreciate the value of this paper was made by the court of France, in which it was pointed out that from the discredit into which it had fallen, it had been purchased at 80 and 90 per cent. discount; that it did not represent the value of what had been received, owing to the high price paid for the articles obtained; that the bills of exchange of 1759 were paid in part, and the bills that remained were only such as had been issued after this payment. The British reply was that the court of France, having been the

* The following return gives the precise amount [Can. Arch., Q., 2., p. 168]. Recapitulation General of the Paper Money, in the province of Quebec.

Government of Quebec.

In Canada.

Letters of Exchange.....	683,413	18	3
Ordonnances.....	4,614,167	16	0
Cards	318,569	17	6
Certificates.....	122,785	8	10
			5,738,937 0 7

In Europe.

Letters of Exchange.....	766,359	9	0
Ordonnances	702,325	5	0
Cards	33,259	0	0
			1,501,943 14 0
			7,240,880 14 7

Government of Montreal.

Letters of Exchange.....	667,650	6	6
Ordonnances including the Recepissés.....	6,548,869	10	0
Cards	220,479	15	0
Certificates and Etats	543,298	16	10
			7,980,298 8 4

Government of Trois Rivières.

Letters of Exchange.....	78,743	5	0
Ordonnances	1,297,579	15	0
Cards	70,755	16	6
Certificates	114,252	2	5
			1,561,330 18 11
Total	16,782,510	1	10

J. Murray.

cause of the discredit alleged, had no right to profit by it ; that the prices paid for supplies had been established by the intendant ; that the date of the ordinances could not constitute a reason why they should not be paid ; that such paper money was the currency of the colony issued by France, consequently the country was responsible for it. The final settlement having been described, it is unnecessary again to allude to it.*

From the narrative which has been given of the two years of Murray's government, the chaos of difficulty against which he had constantly to contend can be easily understood. He laboured under many disadvantages ; his limited powers withheld control over the military force at Three Rivers and Montreal, and what influence could be exercised by the commandant at Montreal, to use the mildest phrase, was not on the side of peace and order. It was a period of transition, when the rulers had the right to look in all directions for assistance and support, and in no quarter more than in the newly appointed law officers. But both the chief-justice and the attorney-general proved so incompetent that they were immediately removed. Throughout Murray's letters we can likewise read, that he suffered from the want of money to meet the charges of the public service. The cost of government could not be paid by the duties imposed, and even these could only be imperfectly collected. No opposition could be more factious than that he experienced from the small English speaking minority ; those constituting it shewed no sense of justice or right. Their failure to impose their rule upon the French Canadians led to disappointment and bad feeling. There is ground for belief that they received support in London : Walker was certainly enabled to obtain his re-appointment as a magistrate. Their number always remained weak and unimportant, but the consciousness of the fact imposed no limit on their arrogance. This knot of men finally asked for Murray's recall. Their petition, described in high-sounding language as that of the British merchants and traders,

* *Ante*, vol. IV., p. 460-61.

was signed by only twenty-one persons. It was undated, but it was evidently written in 1765, about a year after Murray assumed office, shortly after the peace made by sir William Johnson with the Delawares on the 8th of July, 1764. It had only been in the previous November that Bouquet had dictated his terms at the forks of the Muskingum. The petition states that the greater part of them had arrived in Canada on the surrender of the colony, suggesting that they came from New England. They had submitted, they said, without a murmur to "the military government, however oppressive and severely felt," a complaint on their part certainly strange, as their presence was the consequence of the success of a military expedition. They had hoped that time with a civil establishment would remedy the evil, and with peace they trusted to enjoy the blessings of British liberty. We have seen in their proposed treatment of the French Canadian population the true character of the liberty they would grant to others.

The charges against Murray of the deprivation of an open Indian trade was unwarrantable, as, owing to the Indian war, there was no post accessible until the summer of 1765, and even then, it was a matter of danger to ascend the rivers unless in numbers and armed. Murray is accused of enacting vexatious, oppressive, and unconstitutional ordinances, injurious to civil liberty and the protestant cause; of discountenancing the protestant religion by neglecting to attend church; and of failing to provide the protestants with a place of worship, as if they themselves had no duty and responsibility in this respect; that he had suppressed the remonstrances of the king's subjects in silence and contempt, and, on the other hand had treated those addressing him with rage and rudeness of language; that he had fomented difficulties between the old and new subjects, and had encouraged the French Canadians to apply for the appointment of judges speaking their language; that he had endeavoured to quash an indictment against Paul Panet, accused of inflaming his countrymen against the British. They asked the appointment of a governor acquainted with other maxims than those furnished by

military life ; for the establishment of a house of representatives to be chosen as in the other provinces ; that is to say composed of protestants only, as the petitioners put it, "without burthening with such oaths as in their present mode of thinking they cannot conscientiously take." The petition was sustained in London by a second petition of twenty-five firms of city merchants trading to Quebec, stating that their letters confirmed the truth of the Canadian petition, and asking that Canada should be placed on the footing of the other provinces.

A petition was also sent to London signed by twenty-one seigneurs defending Murray, expressing their esteem for his personal qualities, and their regret at his departure, praying that he might be retained in the country, further stating that he was the victim of a cabal, many having signed the charges not knowing their spirit and meaning.

The letter which I have mentioned as sent by Conway, directing Murray to hold himself in readiness to leave for England, may to some extent have been influenced by this petition ; but Murray's own account of the disorders must have established the necessity of steps being taken to obtain less troublesome times. On April the 1st, Conway wrote to him, requesting his immediate return. The letter probably reached him early in June, for on the 28th he took his departure, leaving the senior councillor, lieutenant colonel *Æmilius Irving*, to perform the duty of lieutenant governor.

I can find no record that tells us in what manner Murray was received in England ; there are, however, some few facts to aid us in the estimate of what took place. The policy inaugurated by him of treating the French Canadians with justice and consideration was accepted by the British government. It became the established policy of his successor, Carleton, and was the leading principle on which the Quebec act was framed. Moreover he was retained in his government as governor general till April, 1768, for eighteen months of the government of his successor, who remained lieutenant

governor.* If these facts have weight, Murray could not have been received with disfavour.

Viewed by the light of the documents we can refer to, and by the principles of government which are accepted in modern times, Murray's administration can only be regarded as honest and enlightened. He was guided by the one desire of performing his duty. He was truthful and straightforward and raised above all thought of personal interest. He laid down a broad line of policy not to permit wrong under any form, to which he faithfully adhered ; he was never guilty of mean subterfuge, never practised the cunning, tricky deception so frequently met in modern politics and too often adduced as evidence of ability. His theory of a good government was that it should be administered with strict justice, and his opponents were hard pushed when they included among his striking demerits that he failed to attend church. There is no record against his memory of personal ill-doing or of any disregard of social morality or decency. He exacts our respect for entertaining true theories of colonial government when they were by no means generally entertained, which he endeavoured on all occasions to carry out.

When Murray reached London, the excitement regarding the stamp act had somewhat subsided, for it had been repealed by the Rockingham administration. That ministry, however, had ceased to be, and the deplorable Chatham-Grafton ministry was in power. It was to lord Shelburne as secretary for America that Murray addressed his celebrated letter of the 20th of August, 1766, in which he vindicated the character of his own government, and described the nature of the opposition he had met, and the character of those who had been prominent in assailing him.†

Murray did not return to Canada, but he retained his rank

* I form this opinion from Hillsborough's letter to Carleton, 6th of March, 1768, [Can. Arch., Q., 5, p. 356.] congratulating Carleton on his appointment as Governor : the emolument was £1200 per annum.

† This letter is given in full at the end of this chapter. Independently of having been written by Murray in his own justification, it contains much statistical information concerning the province at that period.

in the army to distinguish himself by his defence of Minorca when besieged by the French and Spanish. The French fleet, on leaving Brest in June, joined that of Spain, and both fleets sailed to Minorca, and landed a large force under the duc de Crillon amounting to 12,000 men. The British garrison at St. Philip's castle consisted of the two British regiments, the 51st and 61st, and two Hanoverian regiments, the 2nd battalions of Prince Ernest and of Golacker, all of them greatly reduced by sickness. The story is well known of de Crillon making an offer of £100,000 to Murray to surrender the fortress, with a commission of equal rank, either in the French or Spanish service. Murray's reply was one of indignation and defiance. The struggle was prolonged during the winter, even with the disparity of force. On one occasion, a successfully directed sally drove de Crillon from his headquarters at cape Molas. The defence was desperately persevered in, even when the garrison was afflicted by putrid fever, scurvy and dysentery. At the close of winter, 700 men only were reported for duty, many of these suffering from dysentery. Minorca capitulated on the 5th of February, 1782, with the full honours of war, the remarkable defence made gaining for the commander and his troops the most respectful treatment. Murray's connection with Canadian history exacts that his last appearance in public life should be recorded in his own words ; there are indeed few narratives more touching or that display greater devotion to duty. "Such was the uncommon spirit of the king's soldiers, that they concealed their disorders and inability rather than go into hospital, several men died on guard, after having stood sentry ; their fate was not discovered till called upon, when it came to their turn to mount again. Perhaps a more noble nor a more tragical scene was ever exhibited than that of the march of the garrison of St. Philipp's through the Spanish and French armies. It consisted of no more than 600 old decrepit soldiers, 200 seamen, 120 of the royal artillery, 20 Corsicans, 25 Greeks, Turks, Moors, Jews, etc. The two armies were drawn up in two lines, the battalions fronting each other, forming a way for us

to march through ; they consisted of 14,000 men, and reached from the glacis to Georgetown, where our battalions laid down their arms, declaring that they had surrendered them to God alone, having the consolation to know the victors would not plume themselves in taking an hospital."*

Many of the French and Spanish soldiers were affected to tears as this handful of broken, wasted men marched between the lines more with the pride of conquerors than with the depression of defeat. The drums were beating, the colours flying, as with shouldered arms and ammunition in their pouches, the few hundred who remained of the British and Hanoverian regiments, without the tinge of a blush, passed before the thousands whom for six months they had kept at bay. Four pieces of cannon with two guns followed, the gunners holding two lighted matches. It is due to the conquerors, to bear testimony to the generous and considerate treatment they extended to these gallant men.

Murray died at his house, Great George street, Westminster, on the 19th of March, 1794, a major-general in the army, colonel of the 72nd foot, governor of fort William in Scotland, and M.P. for Perthshire. The family estates passed to his uncle the duke of Athol. When his body was opened for embalmment several bullets by which he had been wounded in Germany and America were discovered.†

Such was the first British governor-in-chief after the conquest. In the long roll of unblemished good service and the record of his honourable fidelity to his trust and duty, no passage of his life stands out in brighter colours, than the period during which he turned a deaf ear to intolerance and the spirit of persecution, and strove to shew to the new subjects of the crown how truly beneficent, just and noble, with all its errors, the rule of great Britain has ever proved itself to be.

* Annual Register, 1794, p. 214.

† Ib., p. 75.

GENERAL MURRAY'S LETTER TO THE EARL OF SHELBURNE.

Murray's letter to lord Shelburne was first brought to notice in "Lambert's Travels through Canada and the United States," which appeared in 1814. It had almost passed out of memory, when in 1886, in a volume written by me, "Canadian Archaeology," I drew attention to it by publishing the greater portion of the text. As the letter is not there given in its entirety, and in order as an historical document that it may be generally accessible, I append it in full as it appears in the Haldimand collection in the Archive branch, Ottawa [B., 8, p. 1].

" LONDON, 20th August, 1766.

" MY LORD,

" In Mr. Secretary Conway's letter to me of the 24th October, 1764, I am ordered to prepare for my return to England, in order to give a full and distinct account of the present state of the province of Quebec, of the nature and causes of the disorders and divisions which have happened in the province, and of my own conduct and proceedings in the administration of the government.

" In obedience to that command I have the honour to report as follows :

STATE OF THE PROVINCE.

" It consists of one hundred and ten parishes, exclusive of the towns of Quebec and Montreal. These parishes contain 9,722 houses, and 54,575 Christian souls ; they occupy 955,754 arpents of arable land. In the year 1765 they sowed 180,300½ minots of grain, and that year they possessed 12,546 oxen ; 22,724 cows, 15,039 young horned cattle, 27,064 sheep, 28,976 swine, and 13,757 horses, as appears by the recapitulation of the *recensement* taken by my order in the year 1765. The towns of Quebec and Montreal contain about 14,700 inhabitants. The savages, who are called Roman Catholics, living within the limits of the province, consist of 7,400 souls, so that the whole, exclusive of the king's troops, doth amount to 76,675 souls, of which in the parishes are nineteen protestant families, the rest of that persuasion, a few half-pay officers excepted, are traders, mechanics, and publicans, who reside in the two towns of Quebec and Montreal. Most of them were followers of the army, of mean education, or soldiers disbanded at the reduction of the troops. All have their fortunes to make, and I fear few of them are solicitous about the means when the end can be obtained. I report them to be in general the most immoral collection of men I ever knew ; of course little calculated to make the new subjects enamoured with our laws, religion and customs, far less adapted to enforce these laws and to govern.

" On the other hand the Canadians, accustomed to arbitrary and a sort of military government, are a frugal, industrious, moral race of men who, from the just and mild treatment they met with from His Majesty's military officers, who ruled the country four years, until the establishment of civil government, had greatly got the better of the natural antipathy they had to their conquerors.

" They consist of a *noblesse* who are numerous, and who pique themselves much upon the antiquity of their families, their own military glory and that of

their ancestors. The *noblesse* are seigneurs of the whole country, and though not rich, are in a situation, in that plentiful part of the world where money is scarce and luxury still unknown, to support their dignity. The inhabitants, their *tenanciers*, who pay only an annual quit rent of about a dollar for one hundred acres, are at their ease and comfortable. They have been accustomed to respect and obey their *noblesse*, their tenures being military in the feudal manner. They have shared with them the dangers of the field, and natural affection has been increased in proportion to the calamities which have been common to both from the conquest of their country. As they have been taught to respect their superiors, and not yet intoxicated with the abuse of liberty, they are shocked at the insults which their *noblesse* and the King's officers have received from the English traders and lawyers since the civil government took place.

"It is natural to suppose they are jealous of their religion. They are very ignorant. It was the policy of the French Government to keep them so. Few or none can read. Printing was never permitted in Canada till we got possession of it. Their veneration for the priesthood is in proportion to that ignorance. It will probably decrease as they become enlightened. For the clergy they are very illiterate and of mean birth, and as they are now debarred from supplies of ecclesiastics from France, that order of men will become more and more contemptible, provided they are not exposed to persecution.

"The state of the Roman Catholic clergy I have already fully described in my report to your Lordship's office in the year 1763, it will therefore be superfluous to say more on that subject, as no alteration has happened since that time.

"I am really ignorant of any remarkable disorders, which have happened in the colony while I commanded there; the outrage committed on Mr. Walker, the magistrate at Montreal, excepted; a thorough detail of that horrid affair I have already laid before the King's servants in my letter to the Lords of Trade of the 2nd of March, 1765. I have annexed a copy of that letter, in case it may not have fallen into your Lordship's hands.

"Disorders and divisions from the nature of things could not be avoided in attempting to establish the civil government in Canada, agreeable to my instructions. The same troops who conquered and governed the country four years remained in it. They were commanded by an officer, who, by the civil establishment, had been deprived of the government of half the Province, and who remained in every respect independent of the Civil Government.

"Magistrates were to be made and juries to be composed from four hundred and fifty contemptible sutlers and traders. It is easy to conceive how the narrow ideas and ignorance of such men must offend any troops, more especially those who had so long governed them, and knew the meanness from which they had been elevated. It would be very unreasonable to suppose that such men would not be intoxicated with the unexpected power put into their hands, and that they would not be eager to show how amply they possessed it. As there were no barracks in the country, the quartering the troops furnished perpetual opportunity of displaying their importance and rancour. The Canadian *noblesse* were hated because their birth and behaviour entitled them to respect, and the peasants were abhorred because they were saved from the oppression they were threatened with. The presentments of the Grand Jury at Quebec puts the truth of these

remarks beyond a doubt, the silence of the King's servants to the Governor's remonstrance in consequence of these presentments, though his secretary was sent home on purpose to expedite an explanation, contributed to encourage the disturbers of the peace.

The improper choice and the number of the civil officers sent over from England increased the disquietude of the colony. Instead of men of genius and untainted morals, the reverse were appointed to the most important offices, under whom it was impossible to communicate those impressions of the dignity of Government, by which alone mankind can be held together in society. The Judge pitched upon to conciliate the minds of seventy-five thousand foreigners to the laws and government of Great Britain, was taken from a gaol, entirely ignorant of Civil Law and the language of the people. The Attorney-General, with regard to the language, was not better qualified. The offices of the Secretary of the Province, Registrar, Clerk of the Council, Commissary of Stores and Provisions, Provost Marshal, &c., were given by patent to men of interest in England, who let them out to the best bidders, and so little considered the capacity of their representatives that not one of them understood the language of the natives. As no salary was annexed to these Patent places, the value of them depended upon the Fees, which, by my instructions, I was ordered to establish equal to those in the richest ancient Colonies. This heavy task, and the rapacity of the English lawyers, was severely felt by the poor Canadians. But they patiently submitted; and, though stimulated to dispute it by some of the licentious traders from New York, they cheerfully obeyed the Stamp Act, in hopes that their good behaviour would recommend them to the favour and protection of their Sovereign.

"As the Council Books of the Province, and likewise my answers to the complaints made against my administration, have been laid before your Lordship, it is needless, I presume, to say anything further on that subject than that I glory in having been accused of warmth and firmness in protecting the King's Canadian subjects, and of doing the utmost in my power to gain to my royal master the affections of that brave, hardy people, whose emigration, if ever it shall happen, will be an irreparable loss to this Empire, to prevent which, I declare to your Lordship, I would cheerfully submit to greater calumnies and indignities, if greater can be devised, than hitherto I have undergone."

I have the honour to be,

&c. &c.

JAMES MURRAY.

THE RT. HON.

THE EARL OF SHELBURNE.

&c. &c.

CHAPTER V.

Sir Guy Carleton, subsequently raised to the peerage as lord Dorchester, will always retain the first rank in Canadian annals. He was one of those rare men who, during a long and varied public life, lived so utterly irreproachably, that his memory remains untainted by the charge of a semblance of a vice. His career likewise furnishes one of the many proofs that there are duties to be undertaken, which give neither renown nor fame, but which exercise the greatest influence on human happiness and prosperity. The development of the resources of a country, and the establishment of laws by which personal liberty is secured and the rights of property justly maintained, are often effected so unobtrusively and with such little personal distinction, that the merit of the principal instrument in their introduction is soon forgotten.* It is under this aspect his character is to be considered, independently of his military reputation. He found Canada convulsed by an active minority, intent on attaining their purpose, which gained strength from the troubles which were agitating the old provinces, and was moreover sustained in the mother country by the political sympathy which failed to regard but one side of the problem. The more the opposition which Carleton experienced and his adherence to the principles he had formed for the discharge of his duties are considered, the more his moderation, ability and sense of justice become apparent, for his name ever to be remem-

* Adam Smith draws attention to the distinction between "executing a work of splendour and magnificence . . seen by the principal nobility whose applauses flatter vanity and contribute to support interest at court, and the quiet patriotism which executes a great number of little works" in which nothing can be done to make any appearance, or excite the smallest degree of admiration, and which, "in short, have nothing to recommend them but their extreme utility." *Inquiry, &c., book V., part III., Ed. 1874, p. 572.*

bered in the first rank of the able men who preserved Canada to British rule.

The third son of a general in the army, also sir Guy Carleton of Newry, in the county Down, Ireland, he was born in 1724, so that he had scarcely reached middle age. He entered the guards at an early age and remained in that regiment until 1748, when he was promoted to a lieutenancy in the 72nd foot. On the breaking out of the war, he accompanied the British force to Germany, where he attracted attention by his gallantry and conduct. He was a good linguist and spoke French and German with ease. He early formed a friendship with Wolfe. In 1752 the latter, then a lieutenant-colonel, speaks of him as "my friend Carleton."*

He accompanied Wolfe's expedition to Quebec as quartermaster-general. During the operations of the preceding May, when admiral Durell was ordered to the île aux Coudres, in the Saint Lawrence, to prevent any attempt at the defence of "the traverse," Carleton, in command of two hundred and fifty men, was placed in command of the land operations.† Finding the engineers present "indifferent and of little experience," in the movements before Quebec, Wolfe entirely relied upon Carleton as the principal engineer officer, although his rank

* In January Wolfe writes to his mother: "The Duke of Richmond is to have a company in lord Bury's regiment; he wants some skilful man to travel with him through the fortified towns of the Low Countries and Loraine. I have proposed my friend Carleton, whom Lord Albemarle approves of." [Wright's Wolfe, p. 251.] Carleton was selected for the duty. On Wolfe's appointment as a brigadier in the expedition against Cape Breton, he asked for the appointment of Carleton upon his staff, which the king refused, as Wolfe states, to his own very great grief and disappointment, and with circumstances extremely unpleasant to him, Carleton was sent to join the army of the celebrated Prince Ferdinand of Brunswick, and Wolfe wrote to lord George Germaine, at the time lord George Sackville, that Amherst "would tell his opinion of Carleton, by which you will probably be better convinced of our loss." When Wolfe sailed on the Cape Breton expedition, in order to meet any contingency arising from his death, in his will he appointed Carleton as one of those who should attend to his affairs. At the latter end of the same year when appointed to the command against Quebec, the difficulty in the appointment of Carleton again presented itself, but it was finally removed.—[Ante, vol. IV., p. 224.]

† Ante, vol. IV., p. 232.

was that of quartermaster-general. Carleton was placed in command of the expedition against Point aux Trembles, which was so successfully conducted that he brought away sixty prisoners.* Throughout the whole operations he played a prominent part, always with ability and judgment, and on the memorable 13th of September, when Wolfe fell, Carleton was also wounded. He was one of the executors of Wolfe's will, who left him £1,000.† He remained behind with the garrison of Quebec the winter of 1759-1760, and on de Lévis' desperate attempt on the 28th of April to regain possession, Carleton formed one of the British force, which under Murray marched out from their intrenchments to meet him. He was present as a brigadier in the expedition against Belle-isle, the last effort of Pitt's power. In 1762 he obtained the rank of colonel and proceeded to the Havanna. As quartermaster-general, he took part in the siege under the earl of Albemarle. In an attack upon the Spanish redoubt upon Moro Hill, he carried the post and was seriously wounded. The peace for a time closed his active career, and we do not again hear of him until his appointment as lieutenant-governor of Canada.

Carleton arrived at Quebec on the 23rd of September, 1766, and was sworn in the following day. He had been appointed the previous 7th of April, to exercise the functions of the office only in case of the death, or absence of the governor-in-chief. Colonel *Æmilius Irving* had consequently acted as administrator of the government from the 30th of June to the above date, a few days within three months. It was not until the 25th of October, 1769, that Carleton became governor-in-chief. Several addresses were presented to him on his arrival, from the council, the magistrates, the merchants and traders of Quebec and Montreal; they were all equally complimentary. That of the council stated, that the union of the chief military command with that of the highest civil authority would be fruitful of good. Carleton replied that there would be no class distinctions acted upon, the one difference being between good

* Ante, vol. IV., p. 247.

† He was also executor to Mrs. Wolfe, who died in 1764.

men and bad. The merchants complained that trade was languishing, and asked that an impulse might be given to it. All the addresses expressed confidence in Carleton's experience and patriotism, and were answered with equal courtesy.

The first duty incumbent upon the new governor was, so far as he was able, to quiet public feeling on the subject of the future government of the new province. There was dissatisfaction in all quarters. The arrogant demands of the English speaking minority had awakened a corresponding restlessness in the leaders of the French Canadians. They willingly accepted English criminal law, but called for the retention of their French civil law and custom, without modification. As is often the case, there was a general feeling that the more that was demanded the more would be obtained. Nor was Carleton encouraged to look for assistance from his council, as an event which took place a few weeks after his arrival forcibly suggested. In order to discuss some pressing question, Carleton summoned two or three members, only, to attend, upon which those who had not been called upon remonstrated against the proceeding. The leader of the movement was Mabane: he had arrived in Canada as a surgeon's mate, and for some years had occupied prominent positions. Mabane was sustained by Cuthbert, who had established himself at Berthier, Walter Murray, described by Carleton as a "strolling player," and Mounier, represented as "an honest trader who knows little of our language or manners and will sign anything." The paper was also signed by colonel Irving.

The remonstrance set forth that the bad consequences which might arise from the practice were manifold, but as colonel Irving had explained that it was by accident, not intention, it had taken place, it was needless to enumerate them. The purport of their paper was really, that the members of the council considered themselves irremovable except by the sovereign, the council forming with the governor an indivisible executive. Carleton was the last man to be dictated to under such circumstances; he immediately replied that there had been no accident in the matter, and gave his reasons

for acting as he had done. He claimed the right in special cases of calling upon the members best qualified to give him the information which he required ; moreover, that he should ask the opinion of persons not of the council, of good judgment, truth and justice, who, he saw, were impressed with a sense of their duty to the state. He informed them likewise that the council now consisted of twelve members, those appointed by the king having precedence over those nominated by general Murray. What the province now required was tranquillity and peace.*

A petition of the jesuits had been addressed to Lord Shelburne in November, asking for the restitution of their property, that their services for the education of youth should be recognized and permitted, and indemnification made for the losses they had suffered. A copy was sent to Carleton, who wrote upon the subject, and explained that Murray had given a dinner to the clergy, and had read the paragraph of lord Egremont's letter of the 13th of August, 1763, in which he had been instructed to treat the hierarchy firmly, without exciting unnecessary alarm or disgust, and that the opinion had been formed that the religious orders were not included in the instructions. No result followed from the jesuit request.

Before the close of the year Carleton relinquished his claim to fees and perquisites, and he issued a proclamation to this effect. He considered that the representative of the sovereign was lowered by the receipt of them. The fees for liquor licenses he conceived should be increased not lessened, and applied in some form to the public service. Carleton's conduct on this occasion caused Murray annoyance, as he regarded the public non-acceptance of the fees as casting censure upon him, for having acted otherwise. With this feeling he published a letter in "Lloyd's Evening Post." The letter was sent by Shelburne to Carleton, who disclaimed any intention of saying anything disagreeable to Murray, having only acted from the desire of doing what was right according to his own convictions.

* Can. Arch., Q., 3, pp. 265-9.

It was at this date that Carleton removed Mabane and Irving from their position in the council. The fact has been mentioned as if the step had been taken in disapproval of Murray's appointments. It was dictated by the governor's condemnation of their conduct in the Walker affair. On the refusal of the chief justice to accept bail* a public meeting was organized in Quebec, on a Sunday evening, to protest against this assumed injustice. People as they came from church were asked to accompany the friends of the prisoners in a large body to the governor and petition him to grant bail, thus enforcing their request by numbers. Carleton looked upon these tumultuous proceedings as an attempt to interrupt the free course of justice; and, as Irving and Mabane had taken a prominent part on the occasion, he removed them from the council as having been zealously active in promoting these disorders.† In bringing the matter to the notice of the members at the meeting of the 1st of December, he stated that he had been sorry to take the step, and that he would lay his reasons for so acting before his majesty.

One public document of this period, the report of the attorney and solicitor-general, Yorke and de Grey, of the 14th of April, 1766, calls for special mention.‡ I cannot myself recognize the extreme importance which has been assigned to it. In one respect it exacts respect, from its recommendation of the establishment of a system of law which, with full justice to the new subjects, would retain control over the country so

* Ante, p. 168.

† Carleton to Shelburne, 29th November, 1766. "Six gentlemen were arrested at Montreal and brought here to offer Bail, also that the chief justice declared their case not bailable. After this much Pains were taken to assemble a great Crowd of People at this End. Many gentlemen were called to assemble at the House, where the prisoners were lodged, on Sunday last about the Time of coming from Divine Service, first to the chief justice and afterwards to me, and demand that I would accept Bail or that I would interpose my authority. Some gentlemen went amongst them and explained my opinion of such tumultuous proceedings, which prevented their coming in the manner proposed." Can. Arch., Q., 4, p. 40.

‡ The Report is given *in extenso* in Smith's history of Canada, vol. II., pp. 27-28. It is not included in the colonial papers of the record office.

lately ceded by France. This two-fold duty on the part of Great Britain was not generally considered in the claims advanced in the petitions sent home. Presenting the most opposite opinions, they agreed in failing to recognize the obligations entailed upon the central authority. The petitions prior to this date are not found in their place in the public documents; those given by Masères are of a later period. We may learn, however, something of their contents, from the report, which acknowledges the reference of "several Memorials and Petitions from his [the king's] subjects in Canada as well British as French, complaining of several of the ordinances and proceedings of the governor and council of Quebec." They further relate that they had conferred with Lewis Cramahé, the secretary of governor Murray, and Mr. Fowler Walker, agent of the province of Quebec. The latter was a chancery barrister, and whatever the title he assumed, he can only be regarded as the representative of the small minority of English speaking people, whose political opinions were represented in the presentment of the grand jury.

The report pointed out, that the causes of the disorders were attributable to two influences. The attempt to administer justice independently of the mass of the French Canadian population, under new forms, and in the English language which was unknown to them; there being no Canadian advocates to plead, and no jurors of their countrymen to decide their cases. Such a course either caused oppression, or what was equally bad, the suspicion and imputation of it. The second cause of discontent was that the royal proclamation of 1763, suggested that it was the intention to abolish all usages and customs of Canada, "with the rough hand of a conqueror rather than in a true spirit of a lawful sovereign."*

One of the defects had been remedied by the instructions

* The report proceeds to say "not so much to extend the protection and benefit of his English laws to his new subjects, by securing their lives, liberties, and properties, with more certainty than in former times, as to impose new, unnecessary and arbitrary rules (especially in the titles to land and in the modes of descent, alienation, and settlement), which might tend to confound and subvert rights instead of supporting them."

sent by the lords of the council on the 15th of November, 1765, for the publication of an ordinance for the admission to the law-courts of French Canadian jurors, similarly extending permission for advocates, attorneys and proctors to plead in French. The report coincided in the views of the lords of trade for the establishment of a court of chancery, consisting of the governor and council, to act as a court of appeal, both in equity and court of error. A superior court was recommended for jurisdiction in civil and criminal cases, and matters affecting the revenue, to be presided over by a chief-justice and three puisne judges conversant with French, one of whom should be acquainted with French law. The suggestion was made that they should be instructed to confer with French Canadian advocates respected for learning, integrity and character: the judges to be well paid to secure the services of competent men. The province to be divided into three districts, Quebec, Three Rivers and Montreal, with sessions held at periods as might be deemed expedient, a sheriff being permanently appointed to each district. Some remarks were appended as to the limitation of the jurisdiction of the courts. When any dispute arose relative to events previous to the conquest, French law only should be considered.* The

* The report considered at some length the policy of accepting certain parts of the French law, and on the procedure which might be wisely followed in practice. It continues, "There is not a maxim of the Common Law more certain than that a conquered people retain their ancient customs till the conqueror shall declare new laws. To change at once the laws and manners of a settled country must be attended with hardship and violence; and therefore wise conquerors, having provided for the security of their dominion, proceed gently, and indulge their conquered subjects in all local customs which are in their own nature indifferent, and which have been received as rules of property, or have obtained the force of laws. It is the more material that this policy be pursued in Canada, because it is a great and ancient Colony, long settled, and much cultivated by French subjects, who now inhabit it to the number of eighty or one hundred thousand. Therefore we are humbly of opinion, that the Judges to be employed by His Majesty in this Province will answer all the ends of their trust both as to the King and the People if their conduct in judicature be modelled by the following general rules :

1. First, in all personal actions grounded upon debts, promises, contracts and agreements, whether of a mercantile or other nature, and upon wrongs proper to

adoption of English criminal law was recommended. At that date, this change obtained universal acceptance and approval, and to this hour there has never been in any quarter the slightest indication of a desire to revert to French criminal practice.

The report concluded by suggesting that the chief-justice and the other judges, with the attorney-general of Quebec, should be appointed to prepare a plan by which the jurisdiction of the several courts should be carried on.

When on Carleton's arrival the administration of the law was considered, the chief-justice, Hey, and Masères, the attorney-general, both advocated that frequent sessions of the supreme court of king's bench should be held. The enactment would have been popular with the French Canadians, who desired more expeditious justice than they were then obtaining. During the French period the court sat once a week, and there was little delay in the adjudicature of cases. The proposition met with the approval of Carleton, who directed Masères to prepare an ordinance establishing twelve sessions of the supreme court ; ten to be held at Quebec and

be compensated in damages, to reflect that the substantial maxims of Law and Justice are everywhere the same. The modes of proceeding and trial, and perhaps in some degree also the strict rules of evidence may vary, but the judges in the Province of Quebec cannot materially err either against the laws of England or the ancient customs of Canada, if in those cases they look to those substantial maxims.

2. Secondly, in all suits or actions relating to Titles of Land, the descent, alienation, settlements and incumbrances of real property, we are humbly of opinion that it would be oppressive, to disturb without much and wise deliberation, and the aid of laws hereafter to be enacted in the Province, the local customs and usages now prevailing there. To introduce at one stroke the English law of real estate, with English modes of conveyancing, rules of descent and construction of deeds must occasion infinite confusion and injustice. British subjects who purchase lands there may and ought to conform to the fixed local rules of property in Canada, as they do in particular parts of the realm, or in the other dominions of the Crown. The English Judges sent from hence may soon instruct themselves by the assistance of Canadian Lawyers and intelligent persons in such rules, and may judge by the customs of Canada, as your Lordships do in causes from Jersey by the custom of Normandy. It seems reasonable also that the rules for the distribution of personal property in cases of Intestacy, and the modes of assigning and conveying should be adhered to for the present." Report of Yorke and de Grey, 14th of April, 1766, p. 35-36.

two at Montreal. The ordinance was never published, much to the general disappointment.*

It was of importance that the supreme court should keep pace with the court of common pleas, from which lay the right of appeal, and of which, subsequently, sessions were held weekly by the ordinance of March, 1770. There was dissatisfaction on all sides with the administration of the law. The English speaking part of the population, to be found only in Montreal and Quebec, made up for their paucity of number by energy and self-assertion. They knew nothing of French, and their ignorance of the law in common with the language, led them to look upon it with dislike. The opinions so strongly expressed in the presentment of the grand jury remained unchanged; and although their number was small and they were undistinguished by any particular attainments, their desire was to retain within their control the government of the country, to the entire exclusion of the native Canadians.

The humbler portion of the French Canadian population felt no particular interest on the point. Masères' view was that they had no special desire to retain the old laws, and that they would have quietly accepted any decision of their rulers. The impulse came from the *seigneurs* and those of higher position. They were the possessors of *seigneurial* privileges under French law; and the personal importance attached to the social position they conferred, joined to the natural desire to be admitted to a share in the government of the country, awoke a feeling of opposition towards all change, the end of which they could not foresee. Their claim, therefore, was that the old civil law and custom of the country should be adhered to. They even looked upon the English criminal law unfavourably. They conceived that it placed in too great prominence the *habitant*, admitting him upon the jury as the equal of men of higher rank. On that point they failed entirely to influence the general population, who were soon made to understand the merciful character of the English criminal law, and willingly accepted its introduction. It was

* Masères: Several commissions, p. 67.

the one point, on which the opposition was so slight that it rapidly disappeared.

As the events of this period are dispassionately considered, it must be admitted that the opportunity presented itself for the establishment of a code of laws, which would have embraced the best part of the French and English systems. That such was not the case may be attributed to the difficulty of the task, and to the want of a full appreciation of what was needed on the part of those who dealt with the subject. One of the main difficulties lay in the difference of language. The bulk of the French Canadian population was entirely ignorant of English; such as formed the exception had only a slight knowledge of it. Until the peace, there had been no reason for its study, many having been led to believe that Canada would revert to France; and the few years that had elapsed had little effect in bringing the two populations into intimate relationship. Moreover, not one of the new subjects knew what English law was. It was scattered through a mass of books, much of it obsolete, much amended; and it would have exacted years of study to determine what remained in force. On the other hand, there was no mistake as to what are law and custom in Canada; the law of the tenure of property, of descent, of alienation, the law of dower, the proceedings with regard to the property of those dying intestate, followed in a known groove, which, with ordinary attention and care could have been engrafted on a system of English jurisprudence and procedure. It was likewise recognized on all sides, that the old customs could not be arbitrarily disturbed without causing great confusion and embarrassment. In the new courts the proceedings were a matter of serious complaint from the expense and dilatoriness experienced. In every case there was a tariff of fees to be paid which fell heavily upon the litigant, and it was plain some sweeping reform was required. To have formed a code of law from both systems would have exacted great knowledge, the highest sense of justice, and unfaltering courage, and it would have pleased nobody.

The imperial authorities became impressed with the necessity of some decision being made, and in December, 1767, they appointed Mr. Maurice Morgan* to investigate the system of judicature, and the feasibility of the reform proposed : the chief-justice, with other well instructed persons, was to be associated with him. By this time Carleton had possibly formed his own views. Evidently he regarded Masères as one on whose judgment he could not rely, from the violence of his prejudices. In October, 1769, he wrote to Hillsborough, that he had granted six months' leave of absence to Masères, who disliked the climate and desired to be in the way of preferment in London. Carleton describes Masères as having formed a dislike to the French Canadians; he had hoped time and experience would have removed Maseres' prejudices, who might have been useful; but he had been disappointed in this feeling. He would not however let Masères leave until he had finished his report.†

There can be no doubt, either of Masères' ability or of his honesty ; he was sincerely desirous of establishing a system of law which would be acceptable, and at the same time be in accordance with the main lines of British institutions. His judgment was, however, affected by his strong religious sentiment, which justified the exclusion of the Roman catholic from every position of political importance. With this single exception, and it affected his usefulness, he advocated no persecution against the religious faith of the French Canadians. His one objection was against giving them political power, and his strong feelings on this matter made him blind to the unjust absurdity of excluding from participation in the government eighty thousand souls professing a branch of the Christian faith, for the benefit of

* Can. Arch., Q., 4, p. 325.

† Carleton to Hillsborough, 3rd October, 1769. [Can. Arch., Q., 6, p. 124.]
"I am sorry to say I was deceived in my expectations, and that Mr. . Iasères has been so indiscreet, I judged it highly proper to yield to his entreaties."

"I attributed many of those narrow prejudices which he entertained to his want of knowledge of the world, and his having conversed more with books than men."

the few score who held his own religious views. Nevertheless his report is marked with much ability, and it furnishes evidence, how carefully and conscientiously he had considered the questions entrusted to him.

The duty of Masères was to point out the defects in the system of judicature, and to consider the amendments called for in the event of the Canadians being, or thinking themselves aggrieved. The commission of the chief-justice enforced the decision, according to the laws of England, of all matters brought before him; and the same principle had been laid down in the ordinance of the 17th of September, 1764. It therefore became necessary to examine what laws of England were in force. Masères maintained that 1 Elizabeth, chap. 1., "by which the pretended authority of the pope of Rome was abolished throughout all the dominions of the crown of England," from the expression "now or hereafter, that he, &c.," remained in full operation; and that the commercial act 15 Charles II., chap. 7, which enacted that all importations would be made in English shipping, supplemented by acts of the following reigns, was a matter of law.

Masères contended that by the terms of the capitulation the inhabitants were to be governed by English laws, and that by continuing in the country after that event, and taking the oath of allegiance, they had accepted the condition imposed upon them, although no change in the procedure of law had followed.

The commission of general Murray had been proclaimed in French. Owing to the provincial ordinances of the 17th of September and the 6th of November having been published only in English, and the law of England having in no way been described, the new subjects remained ignorant that any legal innovation had been made, and retained the belief that their old customs remained in full force. There had been consequently no departure from the system previously followed by them. Their lands were divided as of old, widows were admitted to the same share of property as in former time, regardless of the English law of dower, and the

distribution of intestate estates was made according to French law, not by letters of administration.

The British who had established themselves in Canada had followed English practice in conveyancing and mortgaging. Many of the French Canadians themselves, when the English law gave them additional latitude had frequently availed themselves of it. The jesuits, who still held their estates, and by French law could grant a lease for nine years only, had lately given leases of twenty-one years, and owners of *seigneuries* had made concessions of land on higher terms than were allowed by French law. The *censitaires* disregarded the old ordinance by which no man could build a new house in the country, unless in possession of sixty arpents of land.* The law was entirely ignored. Houses had been built on mere patches of ground. The consequence had been the increase of idleness, drunkenness and beggary. Those who had purchased *seigneuries* had refused to pay the *quinte* mutation money, on the ground that the *coutume de Paris* was no longer in force, while Canadian *seigneurs* declared it was not due by them, as they had not been admitted to pay *foy et hommage*.

As to criminal proceedings, none but English law was even thought of; the Canadians admitted its superiority and were satisfied with it. But arrest and imprisonment for debt caused great apprehension. There was no difficulty as to language, for in the common pleas the proceedings were drawn up in French or English, as convenience dictated.

A question had been raised as to the validity of Murray's proclamation of the 7th of October, 1763, which had been made on the prerogative of the king; whereas it was contended that it should have been sustained by the authority of the two houses of parliament. Even if the prerogative of the monarch was sufficient in this instance to give the proclamation the force of an enactment, the ordinances issued by Murray on the 17th of September and the 6th of November were without legal existence to effect a change of the law; for Murray's

* About fifty acres.

delegated authority was to be exercised with the advice and consent of a legislative assembly, and none had been called together. Further, Murray's power had not been granted under the great seal. Whatever his private instructions, they conveyed no legislative authority, and were insufficient to introduce the laws of England. Thus there was uncertainty as to the validity of the law established by proclamation, and it was advisable positively to determine by an act of the legislature the system of jurisprudence, which should obtain universal recognition. There was much that was objectionable in the proceedings of the court; the tedious and wearisome length of the suits arising from the limited number of the sessions, and the great expense of the fees payable to the officers of the court, with those exacted by attorneys and advocates; the uncertainty of the law itself as to its principles and enforcements, with the dread of imprisonment for debt, created doubt, uncertainty and discontent. Masères' remedy was the division of the province into three districts, Quebec, Three Rivers and Montreal, with a judge to each, an English barrister of five years' standing and a Canadian lawyer as assessor, the sole power of decision to rest with the judge; the courts to be held once a week; the declaration to be made in French or English; jurors to be summoned if so desired, the panel to consist of forty-eight persons, twelve on each side liable to be struck out; the jurymen to be named alternately; by which challenge would be avoided; the majority of the jury to carry a verdict. The jury to record only a direct verdict, "guilty" or "not guilty," the money was owing or not owing; the injury was received or not received; witnesses to be examined *viva voce*; the judge to award costs; a sheriff to be appointed to each district. The king's attorney in each court to act as criminal prosecutor; appeals to be permitted to the council and thence to the king.

Four modes of carrying out these principles were suggested:

1. To draw up a provincial code of law, excluding all statutes, French and English not recognized as being in force.

The design was considered impracticable from the difficulties it presented. In order for a satisfactory result to be attained, the knowledge and continued attention of some of the ablest lawyers in France had to be appealed to, and then it was questionable if the work would be properly executed. Such a codification, however, would have the effect of removing from the minds of the French Canadians their belief in the superiority of French law, and the wisdom of the government from which it had emanated. So long as the law remained uncodified, recourse must continually be had to the French text books and edicts, and reverence would be felt for the parliament of Paris, whence the edicts had sprung; a feeling of respect which would naturally be extended to the general government. Nevertheless, if French law was to be established, the shortest and easiest method was to accept it in its entirety.

2. The introduction of the whole French law was submitted, retaining those English laws favourable to the liberty of the subject; to do away with the use "of question and torture" * in criminal prosecutions, and to abolish the punishment of breaking upon the wheel; to introduce the *habeas corpus*. Such an ordinance would redeem the promise of obtaining the benefit of the laws of England.

3. To make English law the law of the province, with the exception of such ancient laws and customs, the observance of which could be permitted.

4. Making English law the law of the province, specially enumerating what French customs and law were permitted to exist.

The establishment of English law as the basis of jurisprudence, with the admission of certain sections of Canadian law and custom, would have been plain and free from difficulty, and such a code would have been acceptable to the English speaking population. The French Canadians might, however, have objected to this partial incorporation, on the ground

* The use of torture of any one under examination, to extort confession of a crime.

that all their law ought to be retained, and it was dangerous to disintegrate the system. If the English law had been introduced, it is plain that it should have been clearly and specifically set forth by ordinance; but even with the incorporation of French law, the code would undoubtedly have only imperfectly satisfied the French Canadians, who desired that their own laws should be accepted without modification. The effort of men in prominence among them had been turned in this direction; while the arrogant pretension of the new comers to exclude them from all share in the government made it a matter of feeling and sentiment with the French Canadian to cling to his language and customs. The firmness and justice of the British government, however, were not to prove mere words; and although hesitation and doubt were felt in the imperial counsels, and five years were to elapse before any decision was arrived at, the dominant sentiment remained unchanged; that the constitution to be established in Canada must be based on the principle enforced by justice, honesty, and true statesmanship. The difficulty felt was the form by which this result could be attained.*

* Shelburne wrote to Carleton on this subject, 20th June, 1767 [Can. Arch., Q., 4, p. 130], "As the right administration of Government in Quebec is a matter of the greatest importance to that Province, the improvement of its civil constitution is under the most serious and deliberate consideration. . . . Every light which can be procured on this subject will be material, as well as every Information which can tend to elucidate how far it is practicable and expedient to blend the English with the French laws, in order to form such a system as shall at once be equitable and convenient both for his Majesty's old and new subjects, in order to the whole being confirmed, and finally established by authority of Parliament."

CHAPTER VI.

Masères' report was delivered to Carleton on the 27th of February, 1769. I have thought it necessary to relate its recommendations, for it was not without its influence on subsequent events, and it is valuable from the light it throws upon the unsettled feeling of that period. It was not approved of by the governor, for in many respects it ran counter to the theories he had formed. Carleton had determined to recommend the revival of the whole body of French law unmodified in any way, and to introduce English criminal law. Masères dissented from this view and gave in a second repert. He objected to the admission of the entire code of French law, as a deviation from the plan observed since the conquest, for evidently the design had been to assimilate the new acquisition to the other British provinces. The acceptance of French law would throw the administration of the law into the hands of the French Canadians, owing to the absence of previous study of the French law by the new population, and would consequently keep up a sentimental remembrance of the former government, possibly investing it with many excellencies which it did not really possess. This sentiment, encouraged by the deeply seated attachment to the forms and ceremonies of the Roman catholic religion, would exercise a powerful influence with the people, and would give rise to an unfriendly, if not a disaffected feeling to the British government. Masères distinctly placed on record his convictions, that the majority of the French Canadians were not distressed or discontented at the introduction of English law. They objected to the expense and dilatoriness which accompanied its administration. He recommended the immediate preparation of a code reviving the French law relating to the tenure, alienation, dower and inheritance of landed property and the

distribution of the effects of persons who died intestate. He was sustained in this view by the chief-justice. Neither thought it wise nor politic to revive the whole body of the French civil law, and two additional reports were made by them, shewing the ground of dissent from Carleton's views. As early as 1768, Carleton wrote a remarkable letter to Hillsborough,* then secretary of state. The latter had written that from the intelligence received, there was a movement in Canada to shake off British rule. Carleton replied that he had no doubt that the feeling of attachment to France was secretly entertained, and it was to be expected that it would continue, so long as French Canadians were excluded from all employment under the British government, for they must feel that the repossession of the country by France meant their reinstatement in their former rank; and he proceeded to say that not to mention "the fees of office and the vexations of the law, we have done nothing to gain one man in the province, by making it his private interest to remain the king's subject," although many of the gentry had applied to be admitted to the king's service, with promise of their zeal and gratitude for any mark of favour. Carleton dwelt upon the expediency of appealing to the interests of the Canadians to remain the king's subjects. Hillsborough acknowledged in his reply† "both the propriety and necessity of extending to that brave and faithful people a reasonable participation in those establishments which are to form the basis of the future government of Quebec," but from the law of the kingdom and from general prejudice, it was not possible to open to them a position in the army.‡

* 20th November, 1768, Q., 5, 2, p. 890.

† Whitehall, 6th January, 1769. Can. Arch., 26, p. 3.

‡ There is a passage in Carleton's letter, written ten years previous to the active interference of France in the American war, which shews how justly he estimated the form which the dispute would take, and the aid which France would furnish to the injury of Great Britain. He writes: "I can have no doubt that France, as soon as determined to begin a war, will attempt to regain Canada, should it be intended only to make a diversion, while it may be undertaken with little hazard should it fail, and when so much may be gained should it succeed. But should France begin a war in hopes the British Colonies will push matters to

While these enquiries were being prosecuted in Canada, Mr. Morgan whose mission has previously been mentioned,* arrived at Quebec on the 22nd of August, 1768. The information available for his enquiry was placed at his disposal. He remained in Canada until the end of September, 1769, when he returned to England, carrying with him the reports which had been prepared. He arrived in London in the middle of January, 1770, with the papers entrusted to him.

A few days after Morgan's departure, Masères sailed for England. Carleton temporarily appointed Kneller to succeed him. Masères on his arrival was kindly received by Hillsborough, who wrote to Carleton that Masères' ability and integrity made his departure from the colony an event much to be lamented.† Although Masères had returned to England, he continued to retain his interest in Canadian affairs: during the succeeding later years he published several volumes relating to Canada, which, while shewing his own feeling with regard to the province, are of value from the explanation they furnish of much which happened.

We have a report by Carleton of the manufactures carried on in the province in 1769. Much flax was grown; it was generally worked into coarse linens for family use, and only a small quantity was brought into the market. There were not many sheep kept; the wool obtained was knit into stockings by the females of the home. Some wool was mixed with thread, which made a kind of linsey-wolsey for the clothing of the men. The caps worn were generally of English manufacture. With this exception, it was roughly estimated that one-third of the population wore clothes of home manufacture. A coarse description of earthenware was

extremities, and she adopts the project of supporting them in their independent notions, Canada, probably, will then become the principal scene, where the fate of America may be determined. Affairs in this situation, Canada in the hands of France would no longer present itself as an enemy to the British Colonies, but as an ally, a friend and a protector of their Independence." Quebec, 20th November, 1768. Can. Arch. Report, 1888, p. 49: Q., 52, p. 890.

* *Ante*, p. 202.

† Can. Arch., Q., 7, p. 1.

in use. There were some few tanneries using hemlock bark, producing an inferior description of leather. Much leather was imported from the southern colonies, British leather being considered too dear. The Saint Maurice forges produced 40,000 weight of bar iron. Edged tools, axes, and tomahawks for use in the colony and for the Indians were manufactured, and preferred to imported goods. The pearl and potash business had been commenced within the last two years, but had not been very successful. It promised, however, to be of great importance. A distillery of rum had been lately established. No allusion is made to the lumber trade.*

Nothing could be worse than the administration of the law; it had become to men of broken fortunes the means of subsistence, and the abuses which were practised caused the ruin of many a family. They became so notorious that in July, 1769, a letter was addressed by the governor and council to the bench of Montreal. Its application was not general, but special "to those magistrates only who had given occasion for the complaints." It recapitulated the mischiefs arising from the practices followed. It had grown to be a custom for blank forms to be placed in the hands of bailiffs, even with individuals not officers of the court, bearing the signature of a justice, to be filled up as occasion might suggest. The existence of this disreputable and mischievous practice is established by manifold proof, and it cannot with truth be challenged. Men were summoned for the payment of small debts to appear at a long distance from their dwelling, the fees of the bailiff frequently exceeding the amount of the debt; the time given being often so short that the judgment went by default. Moreover, the summons was compulsory, the party receiving it was not allowed to settle the debt by payment. After complaining against the monstrous system, the letter of the governor recommended that a personal application in all cases be made for the summons, and that the party making it should serve it, or cause it to be served by the bailiff of the parish; that no man should be condemned with-

* Can. Arch., Q., 6., p. 168, 13th of November, 1769.

out being heard; that a summons setting forth impossible conditions of appearance should be held to be no summons at all; and that payment should be accepted if offered.

Carleton made a special report upon these abuses.* The protestant population he described as composed of traders, disbanded soldiers, and some few officers, with one or two exceptions beneath the rank of captain. Many being prosperous men of business were unable to give the time to sit as justices. Those who had failed in their enterprises strove to repair their broken fortunes at the expense of the community. There were in the parishes many French disbanded soldiers, and deserters who had been appointed bailiffs. They were constantly present among the rural population, and when there was a quarrel or difference, excited the disputants to litigation. They were furnished with signed blank forms for immediate service, and many paltry misunderstandings, which might easily have been accommodated, were taken into the courts and formidable costs exacted. Not unfrequently the same person received summonses for different courts, separated widely apart, for a hearing on the same day. The defendant in the desperation of his situation did not appear. Judgment followed and an execution was at once issued; the debtor was without redress. The land thus seized was offered for sale. There was great scarcity of money and there were few purchasers; it followed that for some petty debt, farms were sold greatly below their value.

In many cases the produce of the sale did not even benefit the creditor, for the money was swallowed up by the exorbitant fees. This deplorable persecution is established by Carleton's own experience. He heard so many complaints, and received so many communications on the subject that he made a tour through the province, and himself examined into the abuses which were disgracing the British name, and in reporting them, he protested with all the force of his character against their existence.†

* Can. Arch., Q., 7, p. 17. 28th March, 1770.

† Carleton to Hillsborough, 28th March, 1770; "This, My Lord, is but a

In order to remedy these acts of injustice and wrong the ordinance of the 1st of February was enacted, which struck at the root of the mischief. Its one object was to administer justice honestly and cheaply, and, as was usual, every proceeding in that direction brought forth a noisy protest from those interested in the maintenance of the abuses. After declaring that the courts established by the ordinance of the 17th of September, 1764, had become an intolerable burden, the new ordinance enacted that the clauses which had permitted the bad system should be annulled. The power of the magistrates in cases affecting property was taken away. Sums not exceeding £12 were to be heard in the common pleas, and an independent court was constituted at Montreal for that district, independently of that of Quebec. The jurisdiction was common to both districts in the cases of levying an execution. The courts to be held on Friday in the week all the year, holidays excepted, for causes not exceeding £12, and on some other day when a greater amount was involved. No process to be filed until the plaintiff had made his declaration. All forms of process were carefully laid down, and the defendant was so far protected, that, when the plaintiff had failed to prove his claim, he was mulcted in costs. In *seigneuries*, beasts of the plough, implements of agriculture and trade, with one bed and bedding, were excepted from seizure. Time was given for the issue of execution, and consideration for the unfortunate debtor was enforced. Commissioners were to be named to determine matters to the value of £3. Rules were laid down for the sale of property under execution, and none was to be issued against houses and lands when the cause of action did not exceed £12.

As was expected, the ordinance created a shout of indignation. Carleton enclosed a sketch of the distresses of the Canadians and the cause of much reproach to our national justice and the king's government." Carleton also enclosed a letter from Joseph Derosié, a captain of militia of Ymaska, 3rd July, 1769: "On ne voit tous les jours que procès sur procès pour des choses de néant; pour vingt ou trente sols, on forme un procès qui se monte le plus souvent à 40, 50 et 60 livres par la multitude de frais que sont faits à ces pauvres gens." Can. Arch., Q., 7, p. 7.

nation among the knot of men who had taken up the cry of British laws, as if they were to countenance the triumph of the pettifoggers, and the leeches living by legal abuse.* A deputation of six persons waited upon the governor, with a memorial setting forth twenty objections asking for its repeal or modification; Carleton saw no reason for either course. By the operations of the former law, three or hundred families had been turned out of their houses, their land sold for not one-eighth of its value, the debtors ruined in many cases, the debts undischarged; for everything had been consumed in fees. Shortly before this date Carleton had ordered the release of sixteen debtors; the debts for the whole number, including the jail fees, did not amount to £40; and he had resolved that so abominable a procedure should terminate. The ordinance was adhered to.†

* Carleton has described the character of this population. [Can. Arch., Q., 7, p. 92-95, April 1770.] "There was not a protestant butcher or publican that became a bankrupt who did not apply to be made a justice. They cantoned themselves upon the country, and many of them rid the people with despotic sway, imposed fines which they turned to their own profit, in a manner looked upon themselves as the Legislators of the Province."

† The memorial was presented on the part of "Merchants and others of the city of Montreal." Twenty objections were specified, which may be thus summarized. 1. The uncommon indulgence to debtors would lead them to commit villainies and fraud. 2. The tendency of the ordinance to invest the officers of the Crown with power to become arbiters of the property in the province. 3. Ordinance intricate and complex. 4. Keeping the court of Common Pleas open hurtful to public credit. 5. Clause does not state allowance per mile to bailiff for cost of conveying orders. 6. Process cumbersome, few bailiffs able to read or write. 7. Delay in executions liable to cause fraud. 8. Bailiffs too ignorant to take charge of goods. 9. Delay in sale of goods injurious. 10. The exemption of tools, etc., unprecedented. 11. The variety of form to be observed, objectionable. 12. The penalty for removal of corn not explicit. 13. No security given for payment by bailiffs. 14. The discretion given to judges an infringement on the liberty of the subject. [Where at this period was this sentence not found on the American Continent?] 15. The mode of recovery of debts by instalment will not answer. 16. The delay of the sale of lands too long. 17. The exemption of seizure of land for debts under £12, contrary to act of Parliament. 18. It will produce bad consequences. 19. Asking the jurisdiction of justices to be enlarged from £3 to £6. 20. Asked circuits to be enlarged to Chaleurs Bay and Gaspé. Finally asking for repeal or alteration." The memorial was subscribed by 50 signatures.

With all the efforts of those concerned only fifty signatures could be obtained. We learn from Carleton that hand bills were distributed to excite public feeling, by which all were called upon to consult about grievances. The French Canadians would take no part in the movement, and many were insulted for this expression of their opinion. The opposition proved as futile as it was weak.

The petition for Murray's recall had included the demand for the establishment of a house of representatives, "as in the other provinces, there being a number more than sufficient of loyal and well-affected protestants . . . to form the house . . . and that the new subjects should be allowed to elect protestants without burthening them with such oaths as in their present mode of thinking they cannot conscientiously take." The desire at that date was* that no Roman catholic could be elected. It is necessary to recur to this fact, for it will be seen that this requirement subsequently became modified, and that the request was preferred in another form. But at the date in question the spirit of intolerance was in full force, and the exhibition of this desire to ignore the political existence of the French Canadians, made the attempt in the formation of a code of law more difficult, and delayed its settlement. Even when the appeal was made to gain the co-operation of the French Canadians, it was characterized by a singular want of judgment, and a failure to recognize how moderation alone could attain harmony in any joint effort.

Carleton's arrival by no means silenced the advocacy of the project; it continued to be earnestly discussed, but was persevered in without any organized agitation. The subject which more particularly occupied attention during the time, when the events I have endeavoured to describe were taking place, was the proposed codification of the system of law, by which the province should be governed.

Carleton did not long hesitate in forming the opinion, that the great disparity in the population made the creation of any house of assembly inadvisable. His views were not simply

* Can. Arch. Report, 1888, p. 16.

directed to a settlement of the difficulty as it then presented itself; they also embraced that which might be advantageous in the future. A year after his arrival he reported to lord Shelburne on the condition of the province, when he dwelt upon the superiority in numbers of the new to the old subjects, expressing the belief that, far from diminishing, the disparity would be increased. He considered that emigration from Europe would be turned to the more "cheerful climate and more fruitful soil of the southern provinces in preference to the long inhospitable winters of Canada." It was the commencement of the misrepresentation by political writers of the healthy, pleasant, invigorating winter of Canada; one of the great charms of the social life of the dominion, by which Europeans, who in the winter months visit the cities of the northern part of the continent, are so pleasantly impressed; a delusion which took three quarters of a century to destroy. To Carleton a house of assembly which should exclude the Canadians appeared ridiculously unwarrantable.*

He met such demands by replying that he would be obliged to those advocating the measure if they would suggest a plan of carrying it out advantageously to the province, detailing who the electors and who the representatives should be. The question indeed somewhat dropped into abeyance when it

* Carleton's letter to Shelburne of the 25th Nov., 1707, [Can. Arch., Q., 51, p. 260] is given at length in report of Can. Arch., 1888, p. 41. At this date, a century and a half after they were written, a true estimate can be formed of the correctness in many respects of the opinions then expressed. "Having arranged the strength of His Majesty's old and new subjects and shewn the great superiority of the latter, it may not be amiss to observe that there is not the least probability this present superiority should ever diminish, on the contrary, it is more than probable it will increase and strengthen daily. . . . The few old subjects at present in this province have been mostly left here by accident, and are either disbanded officers, soldiers or followers of the army who not knowing how to dispose of themselves elsewhere, settled where they were left at the Reduction; . . . But while this severe climate and the poverty of the country discourages all but the natives, its healthfulness is such that these multiply daily, so that, barring a catastrophe shocking to think of, this country must to the end of Time be peopled by the Canadian Race, who already have taken such firm Root and got to so great a height, that any new stock transplanted will be totally hid and imperceptible amongst them, except in the towns of Quebec and Montreal."

again obtained prominence in 1768 by a petition being taken round for signature among the English speaking members. Carleton considered that the influence of Masères had been exercised in this direction. The upper classes of the French Canadians declared themselves decidedly adverse to the measure, and studiously kept aloof from connection with it.

Carleton's conservative tone of mind came into prominence in his discussion of the proposition. He was not hopeful of the good effect of liberal institutions transplanted to the American continent. They would fail to produce the results attained in the mother country, for the dignity neither of the throne nor of the peerage could be sustained. The governor had little to give away, and accordingly possessed little influence. He rather ran the risk of being unpopular and disliked. It was his duty to restrain insubordination, and not permit officials in the receipt of fees to be extortionate. He had to struggle with incompetence; for the offices which should have been held by men of ability, experience and integrity, were granted to patentees, who filled them as cheaply as possible, by bestowing them on men who offered the best terms, and desired to make the most out of their places. Such as these, restrained in their desire to enrich themselves, looked with hate on the person exercising this restraint, and no one of the number gave the slightest assistance in the difficulties of government. The governor, feebly assisted by his council, was ill able to contend with a popular assembly in full vigour, in which there was equality of condition, and a natural tendency to republican principles; and it was a grave point to be considered if this independent spirit of democracy should be cultivated in a colony lately conquered.

Many of Carleton's successors had occasion to think as he thought. The principle of colonial rule was for the succeeding sixty years imperfectly understood. Adam Smith had not written his immortal work. The world had to learn that freedom of trade must ever remain the main spring of every political alliance, and that the restriction enforcing any form of protection, which may possibly advance the fortunes of a

few individuals, is hurtful to the state as a whole ; that personal prosperity enjoyed by the great majority must prove the true basis of national wealth ; that repressive law, except in its necessary relationship to order, justice and the preservation of the rights of property, of liberty and protection of person, invariably creates a class of agitators who live by tumult, and by bewildering honest minds than their own. Having some limited degree of truth on their side, they are able to throw the mantle of wrong over much, which even does not call for partial condemnation. Where a fair field is given to labour and enterprise, political dissatisfaction becomes of an inferior and subordinate character. Changes are rarely sought for themselves ; they are the means to an end, having generally in view specific results, and a new element is sought in the form of government, that the difficulty of living may be modified. Better rights are demanded in order that they may lead to better days ; and every enlargement of constitutional liberty is regarded as the forerunner of liberty of thought, of action, of effort, of enterprise. In Carleton's days these views obtained no recognition. The king's exaggerated sense of the power he should possess penetrated into every part of the empire, especially in political life. In England, the "king's friends" were active in its advocacy in every direction ; the principle was communicated to colonial government, to be followed, long after the pretension had passed away at home. It was looked for, that every impression should come from London. There was a large class in the colonies that profited by the theory, and battled for its maintenance, as it gave them place and power ; and even after the passage of the reform bill, the subordinate officials in the colonial office in London, continued for many years to exercise an undesirable influence on the outer provinces of the empire. It was only by slow degrees that this undesirable interference was finally entirely set aside.

Carleton in 1769 applied for leave to return temporarily to England. His absence at that date was not thought expedient ; it was only about the 13th of August, 1770, that he was

able to leave Canada. He went home nominally on private affairs for a period of six months, but he remained absent in England until 1774. His presence there was considered advantageous, from the information he could furnish, as he could be consulted personally on the points which demanded settlement ; the form of government ; the code of laws ; and the principle on which the newly acquired province should be governed. Four years were to elapse before anything definite could be effected. On Carleton's arrival lord North had succeeded to power. Hillsborough, however, remained in office as secretary, and continued in that position for two years. The delay which followed must therefore have arisen with the new first minister; and this spirit of procrastination was unfortunately a striking feature of his character.

On Carleton's departure, Hector Theophile Cramahé, a Swiss protestant* was appointed lieutenant-governor. He had been a member of Murray's council during the period of military occupation, and was re-appointed when Murray became governor-in-chief. Cramahé had been a captain in the service, and had retired in 1761 ; he acted as Murray's secretary, and he was commended by Murray to Pitt for his high qualities in the performance of his duties. On Murray's appointment as governor, Cramahé was sent to Three Rivers to take charge of the government, relieving Haldimand.† He continued a member of Murray's council, and so obtained his confidence, that he was sent to England to represent to the colonial office the condition of the province. After the dismissal of Irving and Mabane he became the senior member of the council. His seniority, joined to his ability and rectitude, led to his selection as lieutenant-governor. The four years that Cramahé remained in that position were in no way eventful so far as Canada was concerned. Cramahé's govern-

* Murray wrote of him 13th of May, 1761, "I can answer for this gentleman's integrity, he is an excellent scholar, entirely master of the French language, and I should be very ungrateful if I did not acknowledge myself infinitely indebted to his parts, Temper and understanding, in the course of the business I have now carried on for two years in this colony." Can. Arch., Q., 1, p. 1.

† Verreault : *Regne Militaire*, p. 276.

ment called only for the careful observance of his instructions, and for prudence in meeting unlooked-for emergencies. Although it was generally believed that Carleton had returned to England to give information concerning the codification of the law, there is no record of any strong feeling in the province on the subject. A few weeks after Carleton's departure, Cramahé forwarded to him for presentation, a petition from the French Canadians, praying that the laws and customs which had governed their properties should be restored. From time to time Cramahé was informed by the colonial secretary, that the uncertainty with regard to Canadian law was passing away, and a settlement would soon be effected; also that the delay experienced was unavoidable. Some activity was shewn in applications for grants of land; it was at this period that attention was first directed to the subject,* and that any tendency was shewn of a desire to seek any field of enterprise outside of mercantile life in the cities.

In 1773, the question of the house of assembly again came into prominence, and an attempt was made to induce the French Canadians to join in the movement. A meeting was held in Quebec on the 30th of October, at which the vote was almost unanimous, 38 to 3, that the lieutenant-governor should first be addressed, previous to any appeal being made to the king. The petition was drafted and translated into French, and sent to the leading French Canadians, with a request that they would join in a conference on the 4th of November. Nine of the British signers and eight of the French Canadians attended, when the latter agreed to submit the question to their countrymen. No French Canadians were present at the following meeting. Accordingly, a letter was addressed to those who had accepted the first invitation. The answer received was that the French Canadians as a body were

* Among the applicants, is to be found the name of Zachary Macaulay, which indeed appears in all the documents signed by the English speaking minority at that date. For a time, it was argued that he was the father of the celebrated historian, the fact is disproved by his application for some land, his claim for which, he based on the fact of having served as a midshipman at the conquest both of Louisbourg and Quebec. Can. Arch., Q., 8, p. 117.

unwilling to co-operate. A petition was then sent to the lieutenant-governor by the British residents alone, with ninety-one signatures only. It recapitulated the conditions of the proclamation of 1763, and prayed that an assembly should be called.

The lieutenant-governor cautiously answered the petitioners that the matter was of too much importance for him to do more than forward the petition to the home government, and that, from what he had heard, he considered that the affairs of the province were likely to become the object of attention in England. When sending the petition, Cramahé wrote that the Canadians had declined to join ; that among the signers, only five of them were freeholders, four of whom possessed no considerable property, while those renting houses or farms did not exceed thirty. An unfavourable answer from the lieutenant-governor had been expected. A petition was, consequently, sent to the king to which one hundred and fifty-eight signatures were appended. An assembly was prayed for on the ground that it would promote industry, agriculture and commerce, and create harmony and good understanding between the old and new subjects : its constitution differed from that previously advocated. The first petition distinctly set forth that it should be composed of protestants. This express demand was now modified ; it was nevertheless evident that the same desire predominated. The phraseology was simply changed to quiet any fears which the French Canadians might entertain. Had the petition asked that no religious tests should be exacted, and the desire been plainly shewn that the Roman catholics should obtain admission to the assembly, the Canadians would doubtless have joined in the request. The negative character of the demand created suspicion, for the petition simply prayed that the house of assembly should be "in such manner and of such constitution . . . as in the royal wisdom, should seem best adapted to secure peace, welfare, and good government." It might have been foreseen that the Canadians would accept no such condition, for it was subscribing to their political extinction.

The whole difficulty lay in the religious question, and it may be briefly stated. While in Canada, the exclusion of Roman catholics from an assembly would have been impossible ; their admission would have been at variance with the strong prejudice felt in this respect, both in the mother country and throughout the more southern provinces. It was the point on which the world was to learn toleration, and, at that date, the peculiar condition of Canada would have greatly assisted in the solution of the problem, if the English speaking minority had acted with sense and moderation. Many were, however, affected by the spirit which pervaded New England, in the desire to obtain control of the government. They could not but be sensible of their own numerical weakness, and they saw little advantage to themselves in joining in a petition for an assembly, in which religious belief should be no bar to election. In their address to the king, they nominally submitted to his decision the constitution of the house, pledging themselves to acquiesce in the form it would take. It was not possible for them to believe that it would be otherwise than in accordance with their views. They certainly refused to act with the French Canadians, except on their own conditions, and would in no way co-operate in the demand for a house of assembly from which religious tests should be excluded.

The petition which expressed their opinions was included in a memorial to lord Dartmouth, who, at this date, had succeeded Hillsborough as colonial secretary, complaining of the failure to send to the country protestant clergy, from want of whose presence the children were being neglected. They do not seem to have reflected that any independent effort in this direction was necessary on their own part.*

* "Your Lordship's memorialists further see with regret, the great danger children born of protestant parents are in, of being utterly neglected for want of a sufficient number of protestant pastors, and thereby exposed to the usual and known assiduity of the Roman catholic clergy of different orders, who are very numerous in this country, and who, from their immense funds, have lately established a seminary for the education of youth in this province, which is the more alarming, as it excludes all protestant teachers of any science whatever." [Masères' Account of Proceedings, etc., 1775, p. 26.]

Masères, then cursitor baron of the exchequer, was asked to take charge of the petition. He wrote in March, 1774, that he had presented it as requested, and that he believed the design was to establish a legislative council. He had suggested that it should consist of thirty-two members, not removable or liable to suspension; seventeen members to be necessary for business; that a fortnight's notice of meeting should be published in the *Quebec Gazette*; that every member should be at liberty to prepare a bill; that the council should not have the power of imposing taxes, only of making laws; and that it should be composed of protestants. He conceived that this arrangement for seven or eight years was preferable to an assembly in which Roman catholics could sit.

Masères continued his advocacy of a house of assembly to be composed of protestants, votes being given to the Roman catholic electors. He advised that a declaration should be made, recognizing that the British parliament possessed legislative authority over the province, which should remain in force after the house of assembly was established. He considered that this course would have much influence in England, in removing the feeling against creating new houses of assembly, arising from the American provinces denying the supreme authority of parliament; the consequence of which, if maintained, would be the dismemberment of the empire into separate and distinct states, independent of each other. Whatever the strength of Masères' inherited Huguenot feeling, his good sense never deserted him. He saw how utterly impracticable a protestant assembly must be in a province possessing a population of ninety thousand Roman catholics and four hundred protestants. He however still trusted to the future. The legislative council he regarded as an *ad interim* measure of a few years, when circumstances would admit the establishment of a legislature in conformity with his opinions.

The Canadian Roman catholics did not remain idle. In December, 1773, they sent a petition to the king, which was presented in February, 1774. It acknowledged the consideration which they had received since the conquest, complained

of the inconvenience of English law, and asked to be granted their ancient laws, privileges and customs ; that Canada should be restored to its former limits ; and that they should receive the full privileges of British subjects. The petition bore sixty-five signatures. It was accompanied by a memorial asking to participate in civil and military employment.

Masères, in recording the event, asserts that this petition, although professing to be in accordance with French Canadian sentiment, was not so in reality. The body of the people had even expressed a liking for the laws of England, and fully recognized that under them they had experienced a greater degree of personal liberty than they had hitherto enjoyed. They had obtained security for their property and encouragement in their industry, "perhaps more than all the rest, an exemption from the insolent and capricious treatment of their former superiors." They would have been ready to petition for its introduction, but they were deterred from so acting, by the representation of the dangers to which their religion would be exposed.

The time, however, had arrived when hesitation was to cease, and definite steps were to be taken to determine the constitution under which the province should be governed. The session of 1774 was drawing to a close before the measure was brought forward, and as the proceedings are read, we may infer that it was to constitute the final legislation of the year. The Quebec act was introduced into the house of lords on the 17th of May, and passed through three readings with so little delay, that, on the 26th of the same month, it had reached its second reading in the commons, where it met great opposition. The bill was described as replete with mischief in the composition of the council, and great objection was made to the extension of French law over the vast extent of territory, which, west of the island of Montreal, had never been occupied by the French. The opinions of the law-officers of the crown were asked for, upon which Thurlow, the attorney-general, replied, that having been given in writing, they could only be produced by consent. Burke, from the want of infor-

mation, desired the bill might be delayed a year, and did not consider that any mischief could arise. Counsel on the part of the merchants of London addressed the committee of the whole, and contended for the introduction of English law. Carleton, Masères, chief-justice Hey, de Lotbinière, Dr. Marryott, advocate general, were examined. Masères considered that *lettres de cachet* might, under French law, be introduced into Canada. An opinion to the contrary was expressed by Wedderburn, and the examination which arose in the questions and answers, suggested by the eminent ability of these two highly trained men, can at this date be profitably read. All the legal acuteness, however, disappeared before the answer of Masères, to the question of lord North, that he did not think it probable such a form of procedure would be followed. The debate was continued on the 6th, 7th, 8th and 10th of June, when the bill was carried in committee by 83 to 40. On the third reading the final vote was 56 to 20. On the 18th it was carried up to the house of lords, when the amendments in the commons were considered, and the bill passed. On the 22nd of June the house was prorogued.*

* On the day of prorogation, the lord mayor, attended by several aldermen, the recorder, and one hundred and fifty of the common council, proceeded to St. James' with a petition to the king to withhold his assent from the bill. They were received by the lord chamberlain, who told them that their petition related to a bill agreed on by the two houses of parliament, and that the king could not take notice of it until presented to him. They must, therefore, not expect an answer. The king was then on the point of going to parliament in order to give his assent to the measure. In so doing, he declared that it was founded on the clearest principles of justice and humanity, and would have the best effect in quieting the minds, and promoting the happiness of his Canadian subjects.

DEBATE ON THE QUEBEC ACT.

The text of the evidence given before the committee of the house of commons not being accessible to the majority of readers, I append a synopsis of the debate which took place during the passage of the bill, with a brief account of the evidence given. Likewise the text of the petition of the corporation of the city of London in opposition to it.

House of commons, 26th May, 1774 : second reading from lords.

MR. T. TOWNSEND desired a government for Canada, not a despotism. The bill was replete with mischief ; the governor could appoint, suspend and turn out the members of the council at pleasure, and no quorum was named. Townsend objected to the extension of Canada beyond its ancient limits to Hudson's Bay, the Ohio and Mississippi. No provision had been made for the use of the act of Habeas Corpus.

LORD NORTH pointed out that the legislative assembly was not granted, owing to the small number of people from whom it would be chosen. The country, included in the operation of the bill, was simply that occupied by military posts.

MR. DUNNING would as soon see the province restored to France as to remain British. In the last French war, the country north of the Ohio was claimed to be part of Pennsylvania and Virginia. If Canada should ever be re-transferred to France, the cession of the country would be demanded as established by a British act of parliament. The act was an establishment of arbitrary power, to be founded at the back of the old colonies. Those settling there would pass from the free government of the old provinces, to be deprived of the rights of British subjects.

THE ATTORNEY-GENERAL THURLOW considered the last argument of no account. It would be a tyranny to subject the French Canadians to the English laws of property.

COLONEL BARRE. It was preposterous to suppose that the Canadians would fail to recognize the superiority of good and just laws. The act established the Roman law, where it was previously unknown, on the Ohio and the Illinois.

SERGEANT GLYNN stated that the conquest had conferred vested rights over the territory obtained in the name of king, lords and commons. Until the two latter interfered, the king's proclamation was valid, and he considered the nation bound to fulfil the promises made in the royal proclamation.

SOLICITOR-GENERAL WEDDERBURN pointed out that the Romans and English had alone forced their laws upon the conquered. It was a barbarous policy. To force English law upon the Canadians would prove a curse.

MR. FOX objected to the bill as contrary to the usage of parliament. It secured tythes to the Romish clergy : this was raising money. That the bill should have originated in the other house was repugnant to the constitutional law of parliament.

MR. DEMPSTER considered that the bill should have arisen in the commons, and appealed to the speaker on the subject.

MR. SAWLIDGE asked the Speaker as a part of his duty to give his opinion on that point.

THE SPEAKER angrily answered that it was not his business to make any such reply. After a long debate the house divided on the second reading. Ayes 105, Noes 29.

On the subject again being considered

MR. BAKER delivered a petition, from the Penns, proprietors of Pennsylvania, to the effect that part of that province was situated to the north-west of Ohio.

LORD NORTH said he should not oppose the petition, as the bill was not designed to affect any past rights.

MR. MACKWORTH presented a petition of the merchants in London trading to Quebec, opposing the legislation as injuring their business. He asked that the reports made by the law officers of the crown should be laid before parliament.

MR. T. TOWNSEND complained of the bill being produced so late in the session. In the name of common sense, he wanted to see the complaints of the Canadians against the government, and the opinions of the law officers of the crown given on this point.

LORD NORTH opposed the call for papers. It would take some time to prepare and produce them. He proposed witnesses should be heard.

COLONEL BARRE. The papers called for would alone give the information, for after much attention to the subject they had been carefully drawn up. The questions to witnesses would be desultory and unconnected. It would be satisfactory, if the law officers of the crown would rise in their places, and recite their opinions without entering into the debate and endeavouring to warp the judgment of members. The non-production of such papers was proceeding in the dark. Intelligence was kept back because it would not bear the light.

THE ATTORNEY-GENERAL said that as the opinions of the law officers of the crown had been delivered in writing, they could not be expressed without consent.

MR. BURKE complained of the want of information, adding that no mischief would result from postponing the bill for a year.

MR. MANSFIELD, counsel for the merchants of London, addressed the house. His speech is not given in the parliamentary history. He called Edward Watts and Samuel Morin; the former had been nine, the latter eleven years in Canada; Both advocated the introduction of English law and trial by jury, as approved by French Canadian and British authorities.

Motions for the reports of general Carleton, the advocate, attorney, and solicitor general were met by the negative. Carleton, Masères, Chief Justice Hey, de Lotbinière, Dr. Marryott, advocate-general, were examined. Little light was thrown upon the debate by their evidence.

CARLETON stated that English criminal law was acceptable, but there were numerous objections to English civil law. The Canadians did not know what it was, and they expressed dislike to being governed by a law of which they were ignorant, written in a language they did not understand. They were willing enough to praise the provisions of English law, when it favoured their own cause. The French Canadians had no desire for an assembly. There were 360 protestants in Canada and about 150,000 catholics.* The majority of the protestants

* Carleton's estimate of the population was entirely wrong. The amount is generally estimated at between 80,000 and 90,000. No doubt Carleton repeated the opinion entertained at that time.

were men of small subsistence by no means proper and eligible for an assembly to be chosen from them. The cultivation of land and the development of trade had increased since the conquest. The province had passed from the state of war to that of peace, population had become much greater, and the operations of agriculture much extended.

An incident occurred in Carleton's examination. Lord North asked the question: "Does the general know anything of a Mons. Le Brun?" Carleton's answer was characteristic: "I know him very well. He was a blackguard at Paris and sent as a lawyer to Canada. There he gained an extreme bad character in many respects. He was taken up and imprisoned for an assault on a young girl eight or nine years old; for this he was fined £20, but being unable to pay it ——"

MR. TOWNSEND here rose, and protested they were criminating a man unheard. Carleton was requested to withdraw, when LORD NORTH explained that Le Brun had come over to make representations that the Canadians desired an assembly, and it was necessary to know what sort of a man he was.

MASÈRES mildly expressed the opinions which can be read in his works published about this date. The Canadians had no clear notion of government, they indulged in no speculations, and would be content with any form given them, provided it was well administered. They objected to jury trials in civil cases from the expense they entailed; but a small allowance would satisfy them and reconcile them to the system. An abolition of their law as to descent, dower, and transfer of land would be offensive to them. They could not object to the Habeas Corpus, it was impossible for any people to do so. They had only a confused idea of what an assembly was. He was of opinion that there might be a judicious mixture of law as he had written. Masères, on being asked by Dunning, in the event of French law being extended to Canada, if the governor could issue *lettres de cachet* for the imprisonment of parties, replied that the governor had no authority to issue such letters; but if blank forms, signed by the king, were sent out, he could act upon them. A legal *petit combat* on this point followed between Masères and the solicitor-general (Wedderburn). Masères recommended a clause introducing the habeas corpus. The examination was brought to a close by Lord North asking if it was probable that *lettres de cachet* would be used, and Masères replied he thought not.

DE LOTBINIÈRE's evidence was to the effect that the Canadian land was kept to Canadian law, the Canadians liked the English judges very well. He had never heard the question of the legislative council much discussed; the Canadians might be satisfied if the Canadian noblesse was admitted.

DR. MARRYOTT, the advocate general, answered the questions put to him by

an elaborate avoidance of saying anything. His replies read strangely to-day, and they led to much altercation, owing to the unwillingness to produce the reports of the law officers. He was asked to state the substance of his own report. The annals of the house present no greater eccentricities than his remarks, many of which were personal to the members who took part in the debate; they are without any bearing upon history. Colonel Barré may be quoted as saying, "There is no hitting the gentleman!"

The debate was continued on the 6th, 7th, 8th and 10th of June, nothing was further advanced in favour or against the bill, and it was carried in committee by 83 to 40. On the third reading, Fox objected to its being a money bill which had originated in the house of lords, adducing a precedent of 1677, when a bill from the house of lords had been rejected. It was answered that it was no precedent. The bill was carried in a thin house, 56 to 20.

When the bill came up in the lords on the 17th, for the consideration of the amendments made in the commons, it was opposed by lord Chatham.

LORD LYTTLETON replied, his closing words may be quoted as typical of the feeling entertained by a large majority in England at that date. "If British America was determined to resist the lawful power and pre-eminence of Great Britain, he saw no reason why the loyal inhabitants of Canada should not co-operate with the rest of the empire in subduing them and bringing them to a right sense of their duty, and he thought it happy that from their local situation there might be some check to those fierce fanatic spirits, that were inflamed with the same zeal, which animated the Roundheads in England, who directed that zeal to the same purposes, to the demolition of royal authority, and to the subversion of all power which they did not themselves possess, that they were composed of the same leaven, and whilst they pretended to be contending for liberty, they were setting up an absolute independent republic, and that the struggle was not for freedom, but power, which was proved from the whole tenor of their conduct." The division was 20 for the bill and 7 against.

Parliamentary History, XVII., 1357-1406.

ADDRESS AND PETITION PRESENTED TO THE KING BY THE
CORPORATION OF LONDON, PREVIOUS TO HIS MAJESTY
SIGNING THE BILL FOR THE BETTER GOVERNMENT OF
QUEBEC:—

TO THE KING'S MOST EXCELLENT MAJESTY.

"MOST GRACIOUS SOVEREIGN,

"We your Majesty's most dutiful and loyal subjects, the Lord Mayor, Aldermen and Common Council of the city of London, in common council assembled, are exceedingly alarmed that a bill has passed your two houses of Parliament, entitled 'An Act for making more effectual provision for the government of the province of Quebec, in North America,' which we apprehend to be entirely subversive of the great fundamental principles of the constitution of the British monarchy, as well as of the authority of various solemn acts of the legislature.

"We beg leave to observe, that the English law, and that wonderful effort of human wisdom, the trial by jury, are not admitted by this bill in any civil cases, and the French law of Canada is imposed on all the inhabitants of that extensive province, by which both the persons and properties of very many of your Majesty's subjects are rendered insecure and precarious.

"We humbly conceive, that this bill, if passed into a law, will be contrary not only with the compact entered into with the various settlers, of the reformed religion, who were invited into the said province under the sacred promise of enjoying the benefit of the laws of your realm of England, but likewise repugnant to your royal proclamation of the 7th of October, 1763, for the speedy settlement of the said new government.

"That, consistent with the public faith pledged by the said proclamation, your Majesty cannot erect and constitute courts of judicature and public justice for the hearing and determining all cases, as well civil as criminal, within the said province, but as near as may be agreeable to the laws of England; nor can any laws, statutes, or ordinances, for the public peace, welfare, and good government, of the said province, be made, constituted or ordained, but according to the laws of this realm.

"That the Roman Catholic religion, which is known to be idolatrous and bloody, is established by this bill, and no legal provision is made for the free exercise of our reformed faith, nor the security of our protestant fellow-subjects of the church of England, in the true worship of Almighty God, according to their consciences.

"That your Majesty's illustrious family was called to the throne of these kingdoms in consequence of the exclusion of the Roman-catholic ancient branch of the Stuart line, under the express stipulation that they should profess the protestant religion, and according to the oath established by the sanction of parliament in the first year of the reign of our great deliverer King William the Third, your Majesty at your coronation has solemnly sworn that you would, to the utmost of your power, maintain the laws of God, the true profession of the Gospel, and the protestant reformed religion established by law.

"That although the term of imprisonment of the subject is limited to three months, the power of fining is left indefinite and unrestrained, by which the total ruin of the party may be effected by an enormous and excessive fine.

"That the whole legislative power of the province is vested in persons to be wholly appointed by your Majesty, and removable at your pleasure, which we apprehend to be repugnant to the leading principles of this free constitution, by which alone your Majesty now holds, or legally can hold, the imperial crown of these realms.

"That the said bill was brought into parliament, very late in the present session, and after the greater number of the members of the two houses were retired into the country, so that it cannot fairly be presumed to be the sense of those parts of the legislature.

"Your petitioners, therefore, most humbly supplicate your Majesty, as the guardian of the laws, liberty, and religion of your people, and of the great bulwark of the protestant faith, that you will not give your royal assent to the said bill.

"And your petitioners, as in duty bound, will ever pray."

CHAPTER VII.

The reports of Thurlow and Wedderburn, the attorney and solicitor-general, had great influence in determining the policy followed in the Quebec act. That of Wedderburn is dated the 6th of December, 1772; that of Thurlow, the 12th of January, 1773. The former is much the abler; while entering into the causes which made some form of established government in Canada absolutely necessary, Wedderburn advocated, with some directness, the remedy which appeared to him feasible. Thurlow's report was more indefinite, and did not reach the length of considering the future, beyond pointing out the embarrassment which he foresaw. Wedderburn dwelt upon the fact that the capitulation only secured the temporary enjoyment of certain rights, and that the treaty of peace contained no reservation in favour of the inhabitants except "a very vague one as to the exercise of religion;" but he contended that no right can be founded upon conquest, "but that of regulating the political and civil government of the country, leaving to individuals the enjoyment of their property, and of all privileges not inconsistent with the security of the acquired territory." It was the key-note of his report. He dwelt upon the difficulties of the establishment of a house of assembly at this date; it was difficult even to define how it should be composed, for to exclude the Canadian subjects would be impossible; he therefore advised the establishment of a council, having with limitations the power of making laws. He entered fully into the consideration of religion, pointing out that the articles both in the capitulation and treaty were really of little effect, but that true policy dictated that the Canadians should be permitted to profess their religion; consequently, that the ministers should be protected and maintenance assured to them. It must be remembered

that these were not the days of voluntarism. Referring to the religious houses he considered that the monastic orders might, under certain conditions, be tolerated; but the jesuits were aliens to every government; they owed allegiance to none, and had lately been expelled from three great catholic states, France, Spain and Portugal, it would therefore be just to declare their lands vested in his majesty, and gradually to be applied to the education of youth. The convents he excepted from adverse consideration, for they were the honourable retreat of unmarried women, and were not connected with the political constitution. The report entered into the consideration of the code of law; it referred to the opinions given by the governor, the chief-justice, the attorney-general, but presented no definite recommendation. It is evident that Wedderburn's leaning was to the creation of a new code. On the subject of the *habeas corpus*, the report considered, that the inhabitants would be entitled to it by common law; but it might be proper to be better assured of the fidelity and attachment of the people, before the provisions were extended by statute.

Thurlow gave a narrative of the condition of Canada previous to the conquest, and it cannot be quoted for its correctness; likewise of the events which had followed since 1760. He referred at length to the report of Yorke and de Grey. He accepted much that was there recommended, that the Canadians were entitled to their property and their personal liberty: he sustained the view that the laws which created, defined and secured property should be maintained, on the ground that confusion would result from any change in the old code. On the other hand, he considered that the conqueror succeeded to the sovereignty by a title as strong, as any that the conquered can set up to their private rights and ancient usages. Accordingly, he would be justified in introducing any modifications essentially necessary to establish his sovereign authority, and assure the obedience of his subjects. He therefore possessed the power, if deemed expedient, to effect changes in the law, but such changes

should not be made without the cogent necessity which real wisdom could not overlook.*

So far as Thurlow's opinions can be summarized, it may be assumed that he advocated a non-interference with the existing civil laws as far as possible, allowing every possible indulgence in respect to the laws bearing upon private rights, minor public affairs, and the prevalent customs and manners, as well as the observance of their inherited religion. †

In his own language he submitted these views as general and abstract pronostications, liable to be much altered in the application.

The report of Marryott, the advocate-general, was published in London in 1774, after the passage of the Quebec act. The proposition was laid down, that it must be taken for granted, that the general and sudden change of the political, and relative circumstances of Canada, made a further change in its laws an absolute necessity; not an ideal necessity in the hope of attaining perfection, nor could it be supposed to arise from political expediency. The report enters elaborately into the preceding history of the colony. He contended that criminal

* Thurlow's remarks on this point are worthy of reproduction. His view would have had greater weight, had it been stated in simpler language and with more positiveness. It is evident that he considered that the safer policy was to retain the old law with some modifications. "Not that ideal necessity which ingenious speculation may always create by possible supposition, remote influence and forced argument—not the necessity of assimilating a conquered country in the articles of laws and government to the metropolitan state, or to the older provinces which other accidents attached to the empire, for the sake of creating a harmony and uniformity in the several parts of the empire; unattainable, and, as I think, useless if it could be attained:—not the necessity of stripping from a lawyer's argument all resort to the learned decisions of the Parliament of Paris, for fear of keeping up the historical idea of the origin of their laws:—not the necessity of gratifying the unprincipled and impracticable expectations of those few among your Majesty's subjects who may accidentally resort thither, and expect to find all the different laws of all the different places from which they come, not according to my simple judgment, any species of necessity, which I have heard urged for abolishing the laws and government of Canada."

† He appropriately quotes Grotius: "Cum enim omne imperium victis eripitur relinquunt illis possunt, circa res privatas, et publicas minores sue leges, suique mores, et magistratus hujus indulgentiae pars est, avitæ religionis usum victis, nisi persuasis non eripere."—Grot., 3, 15, 10.

law became the law of Canada at the instant of time after the conquest.*

He drew the distinction between civil and criminal law ; for a conquered people might be understood to be governed by their ancient laws as long as they remained unchanged. He considered that to call an assembly was inexpedient, and he quoted M. de Lotbinière, who doubted whether four or five persons in any parish could read ; consequently, he favoured the establishment of a council. Marryott argued that the last thirteen years had in many respects effected a change of manners ; that either the policy must be persevered in or abandoned. As men move forward, laws move with them ; if everything were to be undone, it would restore the colony to its military condition, which in effect was restoring it to France. Marryott thought four bills should be passed : 1, to regulate the courts of judicature ; 2, to declare the common law ; 3, to regulate the revenue ; 4, to admit the profession of the Roman catholic religion. The pleadings in the court to be in French and English. It was a question how far the French process should be followed ; if civil law relating to property should be maintained, the extent of its adoption should be left to the knowledge, discretion and experience of the judges. Criminal law, however, should be followed according to English practice. In the matter of religion he considered it would be unjust to deprive the Canadians of their religious faith. While recognizing the expediency of permitting its ceremonies, he doubted the wisdom of recog-

* Marryott's reasoning on this point is as follows : "because this part of distributive and executive justice is so inherent in dominion, or, in other words, so attached to every crown, and is so much an immediate emanation of every government, that the very instant a people fall under the protection and dominion of any other state, the criminal, or what is called the crown law of that state, must *ipso facto* and immediately operate : it cannot be otherwise ; for were it otherwise there would be no effective sovereignty on one side, and no dependence on the other. The dominant power can exercise and execute no laws but those which it knows, and in its own name, and with which its servants are conversant : and the subjects can obey none but such as arise out of the new relation in which they stand. The French Canadian lawyers have in general, as I have heard from good authority, the same ideas on the subject of criminal law." pp. 28, 29.

nizing its existence as an established religion, for the Romish religion will neither tolerate, nor be tolerated. Its priests and legislators have established what Archimedes sought for, that footing upon something out of this globe, on which to raise a machinery, which might control its movements and shake it to the centre. He quoted approvingly the words that "the religion should be tolerated in a way not to violate the royal supremacy." A great portion of the report is devoted to the consideration of the relations of Roman catholics to the state.*

Marryott's learned disquisition was written more with the view of guiding those responsible for forming the text of the act, than of presenting a complete system which he advocated as a whole.†

From the influence that these reports exercised over the legislation, which ended with the Quebec act, I have felt it my duty to place on record their context in as condensed a form as possible. While exacting the attention of every student of constitutional history, they are not generally accessible. The brief notice I am compelled to take of them is necessarily imperfect. I trust that I have preserved their

* "I fear, that it is a mistake" remarks Marryott, p. 232, "to say that the Jesuits have remained quiet in the province. The fact charged upon a Jesuit, Father le Franc, by Louis Lotbinière a priest, of lately preaching publicly, and on the ninth of March last, (1775) in the church of the Jesuits, in Lent, that *whosoever among the Roman catholics, have any connection with the British subjects, are dogs excommunicated by the church and damned for ever,* deserves to be particularly enquired into by the King's law officers of the province, because it is contrary to the peace of the colony and the realm. A like fact and doctrine is reported of Father Floquet, a very zealous Jesuit and famous preacher at Montreal. The truth of these facts is made too probable by the refusal of the burial of Protestants, which is not to be doubted." The government had the good sense not to make martyrs of these contemptible firebrands. Left to themselves, they evaporated out of notice, only to be incidentally mentioned for their extravagance.

† The appendix is devoted to the consideration of the status of the jesuit, the estates possessed by the order, and its legal title to them. The concluding sentence of one of the sections may be adduced to shew the spirit of these remarks: "it is no wonder, that an institution, which seems contrived, with a subtlety more than human, to subvert the laws of every country ecclesiastical and civil, should find in the laws of every country an obstacle to its establishment." [p. 286].

spirit. They clearly prove the desire of the home ministry to lay the foundations of settled government in the province of Quebec, and extend to it fair and equitable liberty. They thus furnish a passage of history, to which we may turn with profit and satisfaction. The reply to any criticism, directed against the Quebec act, lies in the query, What else could have been done? From the date when it was passed, being the period when the unfortunate Boston port act was carried through parliament, it has been to some extent the custom to adduce the influence of the disturbances, which at that date had reached their climax in the old provinces, as the main cause of the recognition of the ancient civil law of Canada, and the tolerance granted to the religion inherited by the people: as if the emergency had been viewed from the imperial standing point only. But I can discover no admissible ground for the acceptance of this belief. The act itself was the product of many years of enquiry and investigation: it is manifest throughout, that the first intellect available was directed to the consideration of the problem; and the result attained was based upon the desire only, of making good government in Canada possible, and of creating a loyal and satisfied population, with due respect to those imperial considerations, which it was not possible to disregard.

The act, by its provisions, extended the province of Quebec to embrace the whole country west of the boundaries of the provinces of Pennsylvania and Virginia, south from lake Erie to the banks of the Ohio, which river was established as the southern boundary to the Mississippi. Northward, the province extended to the boundary of the lands held under the charter of the Hudson's bay company. Thus Canada was enlarged to include the northern part of the American continent; being bounded on the west by the Ohio and the Mississippi; on the east by the territories and islands, which since 1763 had been attached to Newfoundland, but were now included in the government of Quebec. A legislative council of not more than twenty-three, or less than seventeen, was established to enact ordinances for good government,

but without the power to make assessments for taxes, other than the inhabitants would themselves impose for municipal purposes. The ordinances were to be passed between the 1st of January and the 1st of May. The civil law relating to property was to be enforced in accordance with French civil law and custom. English criminal law with trial by jury was established. The inhabitants were authorized to profess the Roman catholic form of worship, subject to the king's supremacy as laid down by the act 1 Elizabeth. The words are "may have, hold and enjoy the free exercise of their religion, the clergy to hold, receive and enjoy the accustomed dues and rights with respect to such persons as shall profess the said religion." The clause was added, that it would be lawful to make provisions out of the rest of the dues, for the encouragement of the protestant religion, and support of the protestant clergy. A special form of oath was laid down to be taken when tendered, and it could only be refused under penalties. All Canadian subjects were allowed to hold their property in accordance with established usage, with full enjoyment of their civil rights. The religious orders and communities were, however, specially excepted. The act was to come into operation on the 1st of May; 1775.*

I have dwelt at some length on the nine years of doubt and hesitation which intervened from the first consideration of a code of laws for the province, until the passage of the act, that, with the addition of English criminal law, accepted ancient civil law and custom in its entirety. I have been impelled to this course owing to what appears to me the incorrect assumption, or the misconception entertained regarding the act. It is still described by United States writers as designed to prevent the newly acquired province from joining with the other colonies.† The facts I have stated prove the groundlessness of this pretension. No principle of law or justice suggested any other settlement of this difficult ques-

* Owing to this act not being found in ordinary law books, it is published in full at the end of this chapter.

† Hildreth III., p. 33.

tion. No alternative based on the non-acceptance of such considerations would have been acceptable. Possibly it is to be regretted that English procedure was not engrafted on that portion of civil law, which, in the view of most parties it was held wise to have retained. The authority given to the Roman church was simply the enforcement of tythes in the agricultural districts, one twenty-sixth of the produce obtained from the land from Roman catholics alone ; protestants being specially exempted from such payment. No assessments could be enforced from those belonging to that church, either on income, or, to use a modern term, real estate, in the cities or villages. All parties so situated, entered into a voluntary agreement to pay a yearly contribution to their church ; a regulation which prevails to this day. No doubt, the legal right to the tythe to some extent indirectly established a similar title in other directions. Nevertheless, the obligation was purely conventional. Any policy refusing recognition of the clergy would have been regarded by the new subjects as a grievous wrong. The act was generally framed to meet what was looked upon as their natural and legitimate desire, and was so represented by all deputed to examine into the matter.

Nevertheless the provisions of the act, to some extent, were dictated by expediency. The design first entertained had been to accept the leading principles of French civil law. The proposal of Masères, in which he was sustained by chief justice Hey, to select the best enactments of English and French law, and to codify them into a system, was indisputably the wisest. Although in its consummation, it was not perfectly free from difficulties, it presented none that were insurmountable, the duty being entrusted to able English and French jurists. It was conceded that the enactments affecting property and inheritance should be retained, while the main lines of procedure should follow English form in accordance with the policy of the British empire. The system of French practice, in civil cases, is not to submit the decision to a jury. The evidence is taken down at *enquête*, not unfrequently badly

written ; the *cahier* of papers, including the evidence and the exhibits, is submitted to the judge, and the advocates on each side address him, in support of the interests, each represents. The theory is perfect. The evidence is presented to the judge in a condensed form ; the facts are submitted with the law sustaining the case of both parties ; the written testimony with the documents in proof, is placed in the judge's hands. The judge gives a written judgment ; and when an able man, with a judicial mind, has to pronounce on the merits of the case, as a rule the judgment is sound and equitable. If it be asked whether the system effects satisfactory results, we may adduce the number of appeals in the province of Quebec, which, from the earliest date of executive justice, has been, and continues to be, very great ; shewing, that in the opinion of many suitors, the provincial judges frequently fail to appreciate fact, that they are not free from the misinterpretation of law, and that sufferers from their decisions occasionally regard them as whimsical and unjust. It is the fashion among a class of professional lawyers to decry jury trials, and from no few the declaration is heard, that they would infinitely prefer to leave a case with a highly trained conscientious judge. But in these days of political legal appointments, it is to be feared that all judges are not highly trained, and that many, after reaching the bench, do not, perhaps without knowing it, entirely free themselves from the habits and prejudices contracted in the political arena. It may also be argued by those who, in civil cases, advocate trial by jury, that when the case is fully and ably submitted to an intelligent set of men, they rarely fail to give a fair and sound verdict. It must be remembered that in all systems we have not to legislate for an ideally perfect race ; but for human beings with the weaknesses and the liability to error, to which we are all subject, and which are noticeable in our daily experience. Consequently, whatever the procedure, there must arise the constant risk of miscarriage of justice, and there is as great a possibility for a single judge trying a

case, as for a jury of twelve men to take a perverted view of the points submitted for decision.

Comparing the two systems, there is no comparison between the remedies obtainable by a dissatisfied suitor. An unsatisfactory verdict by a jury may be met by a demand for a new trial. There is no expense in the application, except on the part of the sufferer's counsel; and as a rule, if the latter thinks wrong has been committed, he makes the question of his own *honorarium* subordinate to the desire of obtaining justice for his client. The question is often then and there decided; subject to the remedy of taking the case to a court of appeal. By French law the one remedy is the court of appeal, and it is an obligation on the part of the appellant that he is bound to give security for costs. In many cases it is out of his power to furnish or obtain it; and he remains without a remedy against what he conceives to be, a partial and illegal proceeding. Take the case that the plaintiff is successful in a suit against a wealthy estate, the business of which is conducted by an unscrupulous agent. The latter brings the judgment under the court of review, and, on some technicality at variance with law and fact, another judge reverses the first judgment. The cost of an appeal to the higher court is a matter of several hundred dollars. Without the means of prosecuting the case, owing to an inability to furnish the security, the claim of this litigant is sacrificed.

In a jury trial the mode in which personal evidence is given, especially the cross-examination of an important witness, appeals to the common sense of men who follow the case from the beginning; and the experience of law courts in these days may be said to be, that, except in cases appealing to some particular passion or sympathy, the decisions of juries generally command respect.

One noticeable feature in the history of French law, as it has been constituted since the conquest in the province of Quebec, is the resistance to all change of procedure. Many of the profession are actively engaged in politics. Men of this class oppose every innovation. Some years back, in an

attempt to effect any alteration in the procedure, it generally happened, that the French Canadian advocates were ranged on one side, and those of the English speaking race on the other. It is pleasant to state that this feeling is of late greatly modified. By the law of the province of Quebec no plaintiff can testify in his own case. The man who seeks redress for a grievance, and who best understands all the facts, is denied the privilege of stating them; whereas an agent who has been the active party on the other side, and by theory has no interest in the dispute, can present his own view of what has taken place, and, however distorted and dishonest the statement made by him, it must remain unanswered by evidence of the same origin. All efforts to remedy this blot on the administration of justice have failed. It is not an unmixed blessing in the province of Quebec, that litigants in civil cases have been, and are, denied an appeal to their peers in the form of jurymen.

The code recommended by Masères contained many admirable features. Preserving the law relating to the possession, transfer, and testamentary disposition of land, together with the custom incident to property left intestate, it would not have included this objectionable feature. There was, however, one serious difficulty to be met ; the special legislation affecting the Roman catholic clergy, a devoted attachment to whom has always been a prominent feature in the Canadian character. It has constantly formed the nucleus of feeling around which the best Canadian sentiment has gathered, and so remains to this date. Any system of law, which failed to recognize the relations of the priest and the parishioners as they were established under French rule, would have failed to content the population : and it was no slight matter to initiate the new condition of the province with eighty or ninety thousand souls taught to look upon the government as a tyranny, and its representatives as oppressors. Any codification of the law would have required a specific parliamentary authorization for the collection of the *dîme*, setting forth its character and limitations, and the mode in

which it should be enforced. Such an enactment would not have been acceptable in the house of commons as it was then constituted, and possibly might have led to the rejection of the bill. We must remember that a few years later, in 1784, Burke was defeated at Bristol, owing in a measure to his exertions to liberate English Roman catholics from the injustice of the penal enactments against them. The possibility is, that such a provision in the house of commons could never have been carried. Accordingly it was easier to transfer the entire text of the French civil law, custom and procedure, as it was, leaving its powers and form, to be defined hereafter by the law courts.

I consider it is to the condition of Canada as it was then constituted, having so small a protestant population, with so slight a prospect of its increase, that the establishment of the civil law was enacted. It was admitted at the time, that where practicable, it would be wise to introduce English procedure, and to establish the jurisprudence of Canada as a British province, as far as possible, on a British standard. I do not think it an extravagance to affirm, that the forms of French law being continued have aided in maintaining the French Canadian character unchanged, especially in the agricultural districts, and in preserving much as it was at the time of the conquest. The attempt to adhere to that tone of thought is still continued; many believe, more for the benefit of active politicians than for the French Canadians themselves. Any innovation which has a tendency to disintegrate this sentiment is resisted; the conservative feeling with regard to the French civil law remains in all its strength, to preserve the code without the least modification, as if a monument of superhuman wisdom. Any attempt to introduce the jury system in civil cases would certainly fail if unattended with some moderate payment to jurors. But if the practice could be brought to prevail, it would have much influence on the political education of the agricultural population in the knowledge of a true sense of their duties and their civil rights. One result it would undoubtedly effect; it would bring the boon

to the poorer litigant that his case would not depend on the peculiar views of a judge, and that his redress against an objectionable verdict would rest on a higher ground than his capacity to furnish security.

A second act was passed to defray the expense of the civil government which established certain duties upon liquors and other importations.

The Quebec act of 1774 awoke the strongest feeling of antagonism both in London, with the commercial classes interested in the American trade, and also in New England. On the 17th of May, 1775, lord Camden presented in the house of lords petitions for its repeal, and, on the following day, sir George Saville in the house of commons similarly attacked the bill.

No one I think, can fairly deny that the act was wise and just in its main provisions. One objection against it, in my humble opinion, may be justly taken; the comprehension into the newly created province of the territory west of the settled parts of Canada at the period of French rule. The act really enforced upon the inhabitants passing into this territory the same laws which prevailed in Canada; and all such immigration must have been from the British provinces. We may safely assume that the British ministry considered that the time had arrived, when a form of government should be given to the territory lately regained from the possession of hostile tribes, in the war of 1763-1764. It had been then made available for settlement, mainly through the bravery of imperial troops in the struggle which had been so successfully terminated; and it was necessary to make some provision against its return to a state of lawlessness. It is possible, that the spirit of revolt dominant in the colonies may have led to the desire of preventing the exercise of any pretensions over this territory by the western provinces of Virginia and Pennsylvania; and of opposing by legislation all extension beyond their admitted frontier. If this theory be accepted, it furnishes an explanation of the incorporation of this western country into the jurisdiction of the province of Quebec, as constituted by the act.

The policy, whatever the motive, can only be regarded as exceedingly unwise. It caused great dissatisfaction: it effected no result. Canada should have been constituted a province from the eastern shores of the saint Lawrence to its natural boundary and no further; to the island of Montreal including île Perrot. It was the limit of settlement. Beyond that locality, at the period of conquest, there was scarcely a white man established. Some straggling clearances had been made in the *seigneurie* of Vaudreuil, but of such trifling importance as not to deserve consideration. On the southern shore Laprairie was the last settlement. No specific consideration, however, was called for south of the Saint Lawrence, owing to the limited amount of territory involved, the boundary line between Canada and New York, the forty-fifth parallel of latitude, striking the Saint Lawrence at lake Saint Francis.*

* By the census of 1765, five years after the conquest, Vaudreuil contained 377, the Cedars 309 souls. On the south side of the Saint Lawrence, the population of Laprairie was 360.

In the report of the public works for 1867, the first year of confederation, we find described in the account given of the public works of Canada proper, the locks and small canals at the "Faucille," "Trou au Moulin," "Split rock," and "Coteau du Lac." They admitted a navigation of *bateaux* of six feet in width and two feet six inches in depth, thus obtaining a passage of the most difficult portion of the rapids between lakes Saint Louis and Saint Francis. These works are described as the "old French canals and locks." The report is signed by Mr. afterwards sir H. Langevin. With some knowledge of the documentary evidence of the time, I have no hesitation in saying the statement is unwarrantable. The French officers of that day made a chart of the Saint Lawrence with a certain correctness from île Perrot to La Galette [Prescott] [Can. Arch., A. & W. I., 94, p. 355,] but not the slightest improvement of the navigation was ever attempted. The canals in question were constructed and put in operation between 1779 and 1783, during the governorship of Haldimand, with the twofold object, of more rapidly moving military stores, and of aiding the transport of merchandise. The description of these works as French canals conveys a false view of the enterprise of the time previous to the conquest.

This passage remaining in the report uncontradicted, although a falsification of history, may ultimately become an accepted truth. It is, accordingly, necessary to classify it in its true character; among those inventions which are even entirely without the excuse of doubtful tradition. It may be confidently stated, that it is unsustained by a scrap of evidence, that there is not a sentence in a single memoir of the time which can be adduced as a semblance of authority for the statement; it can only be regarded as pure misrepresentation.

A glance at the map will shew the want of statesmanship in failing to recognize the true circumstances of the problem. By a separate act, the territory west of the limits of Canada should have been constituted a special government under British law. The wide application of the Quebec act gave great umbrage to the other provinces, especially to Virginia and to Pennsylvania. Both had preferred claims to extend westward towards the Ohio. The transfer of the territory to Quebec, according to this pretension, was the limitation of their boundaries, arbitrarily determined without consent on their part.

Another cause of offence, founded on less reason, was the constitution of a legislative council, and the failure to call together a legislature. It cannot be considered a just cause of complaint. The text of the proclamation of 1763 is sufficiently plain, that, as soon as the state and circumstances of the province would admit, a general assembly should be summoned. Clause 4 of the act of 1774 sets forth that this provision has, upon experience, been found inapplicable, and that, as a consequence, the legislative council was established. It is difficult to dispute the wisdom of this step, when it is borne in mind that there were not four hundred protestants in the province and at least eighty thousand Roman catholics. This cry of discontent arose entirely from the protestants, who advocated a house of assembly from which French Canadians should be excluded as being Roman catholics, an act of injustice which the British government would not tolerate, and which was impossible in itself. The American provinces protested against it in the strongest language, as designed to separate Canada from the rest of America, and to increase the number of Roman catholic emigrants, who would be instruments to reduce the ancient protestant colonies to the state of slavery.*

* The declaration is to be found in the address to the people of England by the delegates of Philadelphia, 5th September, 1774.

** By another act "the dominion of Canada is to be so extended, modelled and governed," as that, by being disunited from us, detached from our interests by civil as well as religious prejudices, that by their numbers swelling with catholic

A few weeks after the passage of the bill, Carleton left England for Canada, and arrived on the 18th of September. He was accompanied by his young wife, the lady Maria Howard, the third daughter of Thomas the second earl of Effingham.*

He was received with some ceremony and with particular marks of respect, by the leading French Canadians of Quebec, whom he describes as actuated by the strong desire to shew themselves not unworthy of the treatment they had met with. As Carleton was silent concerning the feelings of the natural born subjects, Dartmouth wrote that he could not conclude that they entertained the same opinions "but that he hoped as the provisions came to be understood their prejudices might be removed."† In Quebec there was no strong feeling against the act, and, in the first instance, loyal addresses were sent from emigrants from Europe, and by their devotion to administration, so friendly to their religion, they might become formidable to us, and on occasion be fit instruments in the hands of power, to reduce the ancient, free protestant colonies to the same state of slavery as themselves.

"This was evidently the object of the act : and in this view being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it as hostile to British America.—Superadded to these convictions we cannot help deplored the unhappy condition to which it has reduced the many English settlers, who, encouraged by the royal proclamation, promising the enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, deprived of trial by jury, and when imprisoned cannot claim the benefit of the habeas corpus act, that great bulwark and palladium of English liberty :—nor can we suppress our astonishment, that a British parliament should ever consent to establish in that country a religion that has deluged ; our island in blood, and dispersed impiety, bigotry, persecution, murder and rebellion, through every part of the world."

The Quebec act also formed one of the acts of tyranny set forth in the declaration of independence. It is thus specified : one is tempted to exclaim *ex ungue lionem*, we know the lion by his claw.

"For abolishing the free system of English law in a neighbouring province [Canada], establishing therein an arbitrary government, and enlarging its boundaries so as to render it an once an example and fit instrument for introducing the same absolute rule into these colonies."

* The marriage had taken place two years previously, on the 22nd of May, 1772. At that date, lady Maria wanted a few months of being nineteen, and Carleton was forty-eight, being thus twenty-nine years her senior. Lady Carleton was at this period, September, 1774, the mother of two children, a third was born the following July in Canada.

† Carleton to Dartmouth. Can. Arch., Q., 10, p. 120.

sent in its support. Montreal was the seat of dissatisfaction and it was the influence communicated from that city which affected opinion in Quebec. In November, an attempt was made to set Montreal on fire, it was at least so stated : and it was so evidently the work of incendiaries that a reward of two hundred dollars was offered for the discovery of the perpetrators. There was much discontent on the subject of the new act with the English speaking people. Meetings were called to discuss the grievance, the principal of which seems to have been, the authority given to the priests to collect the tithes. Some of the writers of this party contended that no such legislation should have been permitted ; that there had been previously perfect freedom of religious profession, the priests wearing their *soutane*; and that there had been, as a rule, great toleration, the Canadians having been satisfied with their condition. Neither in Montreal nor Quebec had the protestants a church. In Montreal, the ursuline nuns granted them the use of their chapel for a Sunday morning service, and at Quebec, the recollet church was used.*

By the act, the priesthood had obtained a legal status. Meetings were held to discuss the grievances from which the protestant population professed to suffer, and a committee of four was named to prepare plans for redress, and obtain signatures to petitions. They hoped to draw the Canadians to their side by their protest against the enforced payment of tithes ; but the attempt failed, and even the more discreet of the English speaking inhabitants held aloof. Walker, whose name had become so prominent from the cruel outrage perpetrated upon him, became as active as in former years. He proceeded to Quebec to disseminate agitation ; he was the means of the appointment of a committee of seven to act in concert with the Montreal committee. These proceedings became disquieting, especially to the Canadians, and alike embarrassing to the government. In November, a petition was presented against the act, and great activity was observable among the English speaking inhabitants, the cause of

* Massères : Additional papers, etc., p. 149.

which was attributable to the influences exercised upon Canada by the discontented British provinces.

While congress in Philadelphia was protesting against the act of 1774, declaring the Canadians to be fit instruments in the hands of the arbitrary power, and assailing their religion as subversive of liberty, it was at the same time issuing an address appealing to them as brothers to join in the effort to be freed from a tyrannical government. The document bore the signature of "Henry Middleton, president," who temporarily occupied the position of Peyton Randolph, absent through sickness. It is a long, rambling document in stilted language, which cannot be read without a feeling of ridicule. It alludes to the public faith plighted by the proclamation of 1763, declares that the royal authority withheld from them the fruition of their irrevocable rights, quotes Beccaria and Montesquieu to shew the first grand right of a people to have a share in their government, with an elaborate attempt to prove how miserably the Canadians are governed. The document with all its pompous bombast did not lose sight of the main chance. It contained what the modern citizen of the United States would call a practical suggestion: "We do not ask you by this address to commence hostilities against our common sovereign, etc., etc. We merely invite you to consult your own glory and welfare, and not to suffer yourselves to be inveigled or intimidated by infamous ministers so far as to become the instruments of their cruelty and despotism, but to unite with us in one social compact formed in the generous principle of equal liberty, and cemented by such a change of beneficial and endearing offices as to render it perpetual. In order to complete this highly desirable union, we submit it to your consideration whether it may not be expedient for you to meet together in your several towns and districts and elect deputies, who after meeting in a provincial congress may chuse delegates to represent your province in the continental congress to be held at Philadelphia on the tenth day of May, 1775."*

* This document is given in French by M. l'abbé Verreaux, in his volume of

This address translated and printed at Philadelphia by one Mesplet, a Frenchman, was forwarded to Canada to be generally distributed. There was no printing press in Montreal in 1774, and Mesplet, sent to advocate the cause of the revolted provinces, was the first to introduce the art into that city,* the printing press until that date having been established alone at Quebec.

Sanguinet, in his memoirs, tells us that the proclamation made a great impression upon the French Canadians. There were numerous sympathizers with the revolted provinces in Montreal, who found their way to the country districts under the pretext of purchasing corn; and, under cover of trading, they produced the address advocating the cause of congress. They influenced the French Canadians by affirming that it was only by a union with the provinces they could avoid misfortune, for they would be taxed to pay the great expense attendant on the government of Canada. They magnified as immense the salaries of the officials. The governor, they stated, was to receive £10,000 a year; that he had more power than the sovereign; that they were no longer masters of their property; that they would become slaves; that they were liable to arrest under *lettres de petit cachet*, and their only salvation lay in allowing the "*Bastonnais*" to enter the province unopposed; it was the sole means of avoiding oppression and tyranny; and they should remember that it was the united provinces which had saved them from the impost of the stamped paper. The *habitants*, when proceeding to the cities, hearing the same assertions from the disaffected old subjects with whom they had dealings, were led readily to accept them as suggesting the line of conduct which, in view of their own interest, they should take in the coming struggle.

memoirs of that date, the text being taken from a rare copy in his possession. The English text is republished at the end of this chapter.

* The first book printed in Montreal is generally admitted to be "*Réglement de la Confrérie de l'Adoration Perpétuelle du Saint Sacrement et de la Bonne mort, chez F. Mesplet et C. Berger, à Montréal, 1776.*"

In February, 1775, secret agents from congress were sent to Montreal, to learn from known sympathizers with the provincial cause, if an aggressive policy could be followed with safety. They there learned the defenceless state of the province against any serious attack, and that the forts on the Richelieu and on lake Champlain contained but a few men, stationed there to preserve the buildings from destruction. All the troops in Canada were the 7th fusiliers and 26th regiment, with some few artillery. The majority of the English speaking population were on the side of the provincials. If it were possible to lead the French Canadians to remain neutral, there would be no means of opposing a force of any strength, well commanded, which might enter the province from lake Champlain. The first attempt had been made to induce the French Canadians to take an active part in the quarrel ; to obtain a pledge from the most prominent among them that they would join the provincial forces on their appearance. It was soon made apparent that they would simply remain inactive. Invited to attend secret conferences, they declined to be present, assigning as a reason that they had taken an oath not to bear arms against the British, and they could not go beyond the line of neutrality. It was the policy desired by the Montreal leaders of the movement ; it was hoped, that if followed, all chance of resistance would be removed, and the province would be overrun without serious opposition. It is important to bear in mind that this contingency was firmly established in the opinion of congress when the invasion of 1775 was determined upon. Preparations in Canada, to aid any armed attempt upon the province in sufficient force by the revolted colonies, had been actively and secretly continued from October 1774 to May 1775. The sympathisers with the movement unceasingly instilled into the minds of the French Canadians, that a large majority of the English speaking population were on the side of congress, and that in order for the French Canadians, in the future to be prosperous and happy, the safest policy was to abstain from all participation in the contest, and when the British

garrisons were driven out, to accept as a necessary consequence the rule of the independent provinces.

Carleton was perfectly powerless to take any steps against this movement. He could not hope to obtain reinforcements; there were not 800 regular troops in the province, and not a single armed vessel. He had to defend Quebec and Montreal, and the forts on the Richelieu, the latter open to attack by the descent of lake Champlain. As early as 1767, he had written to Gage, urging that Ticonderoga with Crown Point, and fort George at the head of the lake, should be garrisoned and kept in a position of defence. Gage was unable, or disinclined, to take any steps for their protection, and they remained held by a few men. Carleton was well aware of the attempt being made to stir up the Canadians to disloyalty. In March, he reported to Dartmouth the dissemination of the translated address, and a few weeks later he wrote that the deputies from Massachusetts had threatened the Canadians, that if they would not join the provincial force, Canada would be invaded by an army of 50,000 men, which would devastate the country with fire and sword. At this date it is said that some deputies ascended by the Kennebec to reach Quebec, bringing letters to the friends of congress at Quebec and Montreal, and entering into plans for the coming invasion of the province.

Whatever difficulties Carleton had to contend with, he proceeded to carry out the arrangements incident to the Quebec act coming into operation on the 1st of May. On the 20th of April, 1775, he published a proclamation appointing Mabane, Dunn, Frazer, Marteilhe, Hertel de Rouville, and Jean Claude Panet to be judges of the courts established by the act. Mabane, Dunn and Panet presided at Quebec, the remaining three, Frazer, Marteilhe and de Rouville, were placed at Montreal. Some appointment was necessary, the act having abolished the courts as they were established, and it did not create any other courts; it merely gave authority to establish them. The course which should have been followed was, the creation, under the great seal, of courts to replace

those which were abolished; but nothing had been done, and in order to save the province from falling into anarchy, Carleton made these appointments, calling the judges conservators of the peace. He likewise continued the powers of the notaries in practice, to exercise their calling throughout the province for six months or during pleasure, thus giving legality to their proceedings; for it was considered they might be regarded as officers of justice, whose powers had been terminated with those of the courts which the act had removed.

The chief-justice Hey, having been elected a member of parliament, had resolved to resign his appointment. He remained in England until the spring of 1775, when he returned to Canada. As his intention was immediately to leave the province, Thomas Potter was appointed in his place. I cannot learn that Potter ever reached Canada; in May Livius, who had been named judge of the common pleas, was sent from London bearing letters from Dartmouth, with instructions that he should be placed in the council, and in 1777 he became chief justice.

An event long forgotten took place on the 1st of May, when the act came into operation. Sanguinet tells us that the king's bust, placed in one of the public places of Montreal, was discovered to have been daubed with black, and decorated with a necklace formed of potatoes and a cross attached to it with the words "*Voila le pape du Canada, et le sot Anglois.*" The perpetrator of this foolish insult, for such it was intended to be, was never discovered. The act was regarded as insolent and disloyal, and it caused much excitement. A public meeting was called, at which one hundred guineas were subscribed to discover the perpetrators. The company of grenadiers of the 26th made a proclamation by beat of drum, offering a reward of two hundred dollars, and a free pardon, excepting the person who had disfigured the bust, to any one giving information, which would lead to the discovery of the offenders. The principal French Canadians were greatly annoyed at the proceeding, the words being in French. De

Bellestre, a leading resident of Montreal, who had served as a captain under the French and was a chevalier of Saint Louis, publicly said he would himself give £100 to discover the parties, so that they might be severely punished and sent out of the country; for they deserved to be hanged, and in France they would be so treated. A young man named Franks, who was in business in the city, replied that they did not hang in England for such small matters. An altercation ensued, which ended in de Bellestre striking Franks and pulling his nose; upon this, Franks knocked him down. The next day Franks was arrested on the complaint of de Bellestre, not on account of the blow, for the latter had provoked it, but on account of his words. Franks was carried to prison by a guard with fixed bayonets. Bail was refused, but at the end of the week he was unconditionally released by Carleton's instructions.

There appears to have been other similar quarrels, one of which is mentioned by Sanguinet between one Lapailler and a jew named Solomon. They are only of importance as making known the highly unsatisfactory condition of public feeling at this date.

The narrative of these troublous times shews the unprepared state of Canada to meet the storm which, in a few weeks, was to rage throughout its extent. The country was unprotected by troops; the English speaking population was for the most part disloyal; the French Canadians, as a body, had determined to stand aloof should any invasion take place, while many among them accepted the promises of the supporters of congress, and eventually joined their ranks. There was a large number, however, who were devoted to the British cause, and without exception the higher ranks were distinguished by this feeling. The clergy were strongly against supporting the cause of congress. They had learned the tone in which their creed had been denounced, and it was not possible for them to accept as genuine, the bland profession of good feeling contained in the address scattered through the parishes. The provincials who had cast their eye upon Canada, and had engaged in the correspondence with their confederates, had

little doubt of an immediate and full triumph in their attempt to obtain possession of the country; and it was looked upon as a prize ready for their grasp, requiring only to be sought by the beat of drum. The recognition of this view will explain much which subsequently happened.

It must have been plain to all in Canada, that they were on the eve of great events, and that the province could not escape being embroiled in the revolutionary contest. Carleton felt his responsibility seriously, and remained at Montreal to be present at the first call of duty. If doubt was felt, certainty was not long deferred. Within ten days from the publication of his proclamation on the disfigurement of the king's bust, the news arrived that the forts Ticonderoga and Crown Point, on lake Champlain, had been seized by the forces of congress, and that a detachment had reached Saint John's to carry away a sloop of six guns, and the few men in charge of her. The intelligence was brought to Montreal by one Moses Hazen, a half-pay officer, who afterwards became a colonel in the provincial force. It was the signal that war had commenced; a war the more threatening to the province as it was quite unprepared to meet it, being denuded of every element of defence. It looked as if the British possession of Canada was to cease in a few weeks, and as if one of the earliest triumphs of the revolution would be, the dismemberment of the lately constituted province from its connection with the empire.

That Canada safely weathered this tempest was owing to the energy, wisdom and calm courage of the governor-in-chief, who, unfaltering in his own devotion, communicated his high qualities to those around him, and gallantly girded himself to the contest. Looking in the face the dangers which on all sides threatened to overwhelm the cause he was present to defend, he succeeded in triumphantly overcoming them. Step by step he finally drove his assailants before him, until in disorder they abandoned Canada, never again during that unhappy war to appear in the province as enemies.

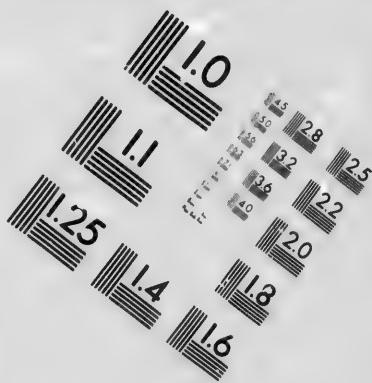
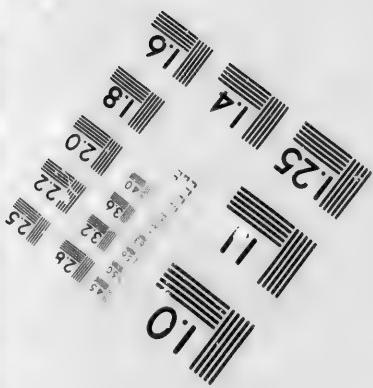
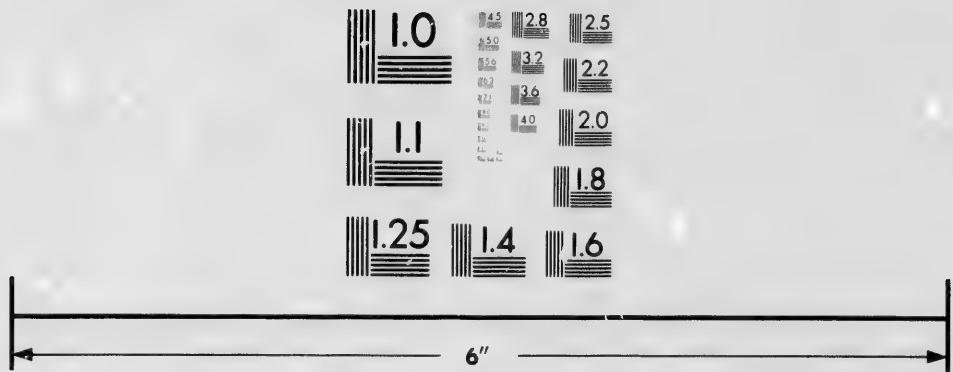
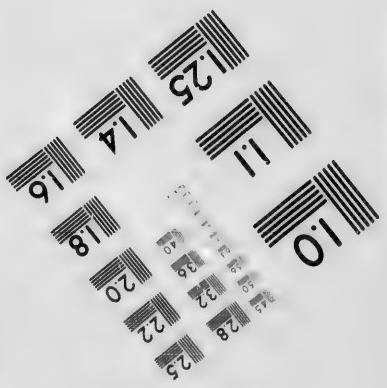


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Reference to the Quebec Act being only possible in the cities where good libraries are established, I have considered it right to publish it in its entirety. The text followed is from the copy in the parliamentary library, Ottawa, "printed by P. E. Desbarats, law printer to the King's Most Excellent Majesty. Quebec, 1800."

THE QUEBEC ACT.

ANNO REGNI DECIMO QUARTO GEORGI III. RECIS.

CHAPTER LXXXIII.

AN ACT for making more effectual Provision for the Government of the Province of Quebec in North America.

Preamble.

"Whereas His Majesty by His Royal Proclamation bearing date the seventh day of October in the third year of his reign, thought fit to declare the provisions which had been made in respect to certain countries, territories, and islands in America, ceded to his Majesty by the definitive treaty of peace, concluded at Paris on the tenth day of February One thousand seven hundred and sixty-three : And whereas, by the arrangements made by the said Royal Proclamation, a very large extent of country, within which there were several colonies and settlements of the subjects of France, who claimed to remain therein under the faith of the said treaty, was left, without any provision being made for the administration of civil government therein ; and certain parts of the territory of Canada, where sedentary fisheries had been established and carried on by the subjects of France, inhabitants of the said Province of Canada, under grants and concessions from the Government thereof, were annexed to the Government of Newfoundland, and thereby subjected to regulations inconsistent with the nature of such fisheries :"

The territories, islands and countries in North America belonging to Great Britain.

May it therefore please Your most Excellent Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all the territories, islands, and countries in North America, belonging to the Crown of Great Britain, bounded on the South by a line from the Bay of Chaleurs, along the high lands which divide the rivers that empty themselves into the River Saint Lawrence from those which fall into the sea, to a point in forty-five degrees of Northern latitude, on the Eastern Bank of the River Connecticut, keeping the same latitude directly West, through the Lake Champlain, until, in the same latitude, it meets the River Saint Lawrence ; from thence up the Eastern bank of the said River to the Lake Ontario ; thence through the Lake Ontario, and the River commonly called Niagara ; and thence along by the Eastern and South Eastern bank of Lake Erie, following the said bank, until the same shall be intersected by the Northern Boundary, granted by the Charter of the

Province of Pennsylvania [sic] in case the same shall be so intersected ; and from thence along the said Northern and Western Boundaries of the said Province, until the said Western Boundary strike the Ohio ; But in case the said bank of the said Lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the North-western angle of the said Province of Pennsylvania, and thence by a right line, to the said North-western angle of the said Province ; and thence along the Western Boundary of the said Province, until it strike the River Ohio ; and along the bank of the said River, Westward, to the banks of the Mississippi, and Northward to the Southern Boundary of the Territory granted to the Merchants Adventurers of England, trading to Hudson's Bay ; and also all such Territories, Islands, and Countries which have, since the tenth of February, One thousand seven hundred and sixty-three, been made part of the Government of Newfoundland, be, and they are hereby, during his Majesty's pleasure, annexed to and made part and parcel of the Province of Quebec, as created and established by the said Royal Proclamation of the seventh of October, one thousand seven hundred and sixty-three.

Annexed to
the province of
Quebec.

II. Provided always, that nothing herein contained, relative to the boundary of the Province of Quebec shall in anywise affect the boundaries of any other Colony.

Not to affect
the boundaries
of any other
Colony ;

III. Provided always, and be it enacted, that nothing in this act contained shall extend, or be construed to extend, to make void, or to vary or alter any right, title, or possession, derived under any grant, conveyance, or otherwise howsoever, of or to any lands within the said province, or the provinces thereto adjoining ; but that the same shall remain and be in force, and have effect, as if this act had never been made.

Not to make
void other
rights formerly
granted.

"IV. And whereas the provisions, made by the said proclamation, in respect to the civil government of the said province of Quebec, and the powers and authorities given to the Governor and other Civil Officers of the said province, by the grants and commissions issued in consequence thereof, have been found, upon experience, to be inapplicable to the state and circumstance of the said province, the inhabitants whereof amounted, at the conquest, to above sixty-five thousand persons professing the religion of the Church of Rome, and enjoying an established form of constitution and system of laws, by which their persons and property had been protected, governed, and ordered, for a long series of years, from the first establishment of the said province of Canada;" be it therefore further enacted by the authority aforesaid, that the said proclamation, so far as the same relates to the said province of Quebec, and the commission under the authority whereof the government of the said province is at present administered, and all and every the ordinance and ordinances, made by the Governor and Council of Quebec for the time being, relative to the civil government and administration of justice in the said province, and all commissions to

Former
provisions
made for the
province to be
null and void
after May 1st.
1775.

Judges and other Officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the first day of May, One thousand seven hundred and seventy-five.

Inhabitants of Quebec may profess the Romish religion, subject to the king's supremacy as by Act 1 Eliz.

and the clergy enjoy their accustomed dues

Provision may be made by his Majesty, for the support of the Protestant clergy.

No person professing the Romish religion obliged to take the oath of 1 Elizabeth; but to take before the Governor, &c., the following oath.

The Oath.

Persons refusing the oath to be subject to the penalties by Act 1 Eliz.

V. "And for the more perfect security and ease of the minds of the inhabitants of, the said province," it is hereby declared, that his Majesty's subjects, professing the religion of the Church of Rome of, and in the said province of Quebec, may have, hold, and enjoy, the free exercise of the religion of the Church of Rome, subject to the King's supremacy, declared and established by an act, made in the first year of the reign of Queen Elizabeth, over all the dominions and countries which then did, or thereafter should belong, to the Imperial Crown of this Realm; and that the Clergy of the said Church may hold, receive, and enjoy, their accustomed dues and rights, with respect to such persons only as shall profess the said Religion.

VI. Provided nevertheless, that it shall be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the Protestant Religion, and for the maintenance and support of a Protestant Clergy, within the said province, as he or they shall from time to time, think necessary and expedient.

VII. Provided always, and be it enacted, that no person, professing the Religion of the Church of Rome, and residing in the said province, shall be obliged to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth, or any other oaths substituted by any other Act in the place thereof; but that every such person who, by the said statute, is required to take the oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following oath before the Governor, or such other person in such Court of Record, as his Majesty shall appoint, who are hereby authorized to administer the same *videlicet*:

"I., A. B., do sincerely promise and swear, that I will be faithful, and bear true allegiance to his Majesty King George, and him, will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against his Person, Crown, and Dignity, and I will do my utmost endeavour to disclose and make known to his Majesty, his Heirs and Successors, all treasons, and traitorous conspiracies, and attempts, which I shall know to be against him or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all Pardons and Dispensations from any Power or Person whomsoever to the contrary."

"So help me God."

and every such person, who shall neglect or refuse to take the said oath before-mentioned, shall incur and be liable to the same penalties, forfeitures, disabilities, and incapacities, as he would have incurred and been liable to for neglecting or refusing to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth.

VIII. And be it further enacted, by the authority aforesaid that all His Majesty's Canadian subjects (religious Orders excepted) may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights in as large, ample, and beneficial manner, as if the said proclamation, commissions, ordinances, and other acts and instruments, had not been made, and as may consist with their allegiance to his Majesty, and subjection to the Crown and Parliament of Great Britain; and that, in all matters of controversy, relative to property and civil rights, resort shall be had to the laws of Canada, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the Courts of Justice, to be appointed within and for the said province by his Majesty, his heirs and successors, shall, with respect to such property and rights, be determined agreeably to the said laws and customs of Canada, until they shall be varied or altered by any ordinances, that shall from time to time be passed in the said province by the Governor, Lieutenant Governor, or Commander-in-Chief, for the time being, by and with the advice and consent of the Legislative Council of the same, to be appointed in manner hereinafter mentioned.

IX. Provided always, that nothing in this act contained shall extend, or be construed to extend, to any lands that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his heirs and successors, to be helden in free and common soccage.

X. Provided also, That it shall and may be lawful to and for every person that is owner of any lands, goods, or credit, in the said province, and that has a right to alienate the said lands, goods, or credit, in his or her lifetime, by deed of sale, gift, or otherwise, to devise or bequeath the same at his or her death, by his or her last will and testament; any law, usage, or custom, heretofore or now prevailing in the province, to the contrary hereof in any-wise notwithstanding; such will being executed, either according to the laws of Canada, or according to the forms prescribed by the laws of England.

"XI. And whereas the certainty and lenity of the Criminal Law of England, and the benefits and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered," be it therefore further enacted by the authority aforesaid, That the same shall continue to be administered and shall be observed as law in the province of Quebec, as well in the description and quality of the offence as in the method of prosecution and trial; and the punishments and forfeitures thereby inflicted to the exclusion of every other rule of Criminal Law, or mode of proceeding thereon, which did or might prevail in the said province before the year of our Lord One thousand seven hundred and sixty-four; anything in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such alterations and amendments as the Governor, Lieutenant

Governor, or Commander-in-Chief for the time being, by and with the advice and consent of the Legislative Council of the said province, hereafter to be appointed, shall, from time to time, cause to be made therein, in manner herein-after directed.

His Majesty may appoint a Council for the affairs of the province.

Which Council may make ordinances, with consent of the Governor. The Council are not empowered to lay taxes.

Public roads or buildings excepted.

Ordinances made to be laid before his Majesty for his approbation.

Ordinances touching Religion not to be in force without his Majesty's approbation.

"XII. And whereas it may be necessary to ordain many regulations for the future welfare and good government of the province of Quebec, the occasions of which cannot now be foreseen, nor, without much delay and inconvenience, be provided for, without intrusting that authority, for a certain time, and under proper restrictions, to persons resident there. And whereas it is at present inexpedient to call an Assembly; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, by warrant, under his or their Signet or Sign Manual, and with the advice of the Privy Council, to constitute and appoint a Council for the affairs of the province of Quebec, to consist of such persons resident there, not exceeding twenty-three nor less than seventeen, as his Majesty, his heirs and successors, shall be pleased to appoint; and, upon the death, removal, or absence of any of the members of the said Council, in like manner to constitute and appoint such and so many other person or persons as shall be necessary to supply the vacancy or vacancies; which Council, so appointed and nominated, or the major part thereof, shall have power and authority to make Ordinances for the peace, welfare, and good Government, of the said province, with the consent of his Majesty's Governor, or, in his absence, of the Lieutenant Governor, or Commander-in-Chief for the time being.

XIII. Provided always, That nothing in this Act contained shall extend to authorize or empower the said Legislative Council to lay any taxes or duties within the said province, such rates and taxes only excepted as the inhabitants of any town or district within the said province may be authorized by the said Council to assess, levy, and apply, within the said town or district, for the purpose of making roads, erecting and repairing public buildings, or for any other purpose respecting the local convenience and economy of such town or district.

XIV. Provided also, and be it enacted by the authority aforesaid, That every Ordinance so to be made, shall, within six months, be transmitted by the Governor, or, in his absence, by the Lieutenant Governor, or Commander-in-Chief for the time being, and laid before his Majesty for his Royal approbation; and if his Majesty shall think fit to disallow thereof; the same shall cease and be void from the time that his Majesty's Order in Council thereupon shall be promulgated at Quebec.

XV. Provided also, That no Ordinance touching Religion, or by which any punishment may be inflicted greater than fine or imprisonment for three months, shall be of any force or effect, until the same shall have received his Majesty's approbation.

XVI. Provided also, That no Ordinance shall be passed at any meeting of the Council where less than a majority of the whole council is present, or at any time except between the first day of January and the first day of May, unless upon some urgent occasion, in which case every member thereof resident in Quebec, or within fifty miles thereof, shall be personally summoned by the Governor, or, in his absence, by the Lieutenant Governor, or Commander-in-Chief for the time being, to attend the same.

XVII. And be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or hinder his Majesty, his heirs and successors, by his or their Letters Patent under the Great Seal of Great Britain, from erecting, constituting, and appointing, such courts of criminal, civil, and ecclesiastical jurisdiction within and for the said province of Quebec, and appointing, from time to time, the Judges and Officers thereof, as his Majesty, his heirs and successors, shall think necessary and proper for the circumstances of the said province.

XVIII. Provided always, and it is hereby enacted, That nothing in All Acts this Act contained shall extend, or be construed to extend, to repeal or make void, within the said province of Quebec, any Act or Acts of the Parliament of Great Britain heretofore made, for prohibiting, restraining or regulating, the trade or commerce of his Majesty's Colonies and Plantations in America; but that all and every the said Acts, and also all Acts of Parliament heretofore made concerning or respecting the said Colonies and Plantations, shall be, and are hereby declared to be in force, within the said Province of Quebec, and every part thereof.

ADDRESS OF THE GENERAL CONGRESS TO THE INHABITANTS
OF THE PROVINCE OF QUEBEC.

"**FRIENDS AND FELLOW-SUBJECTS,**

"We, the delegates of the colonies of New-Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New-Jersey, Pennsylvania, the counties of Newcastle, Kent and Sussex on the Delaware, Maryland, Virginia, North-Carolina, and South-Carolina, deputed by the inhabitants of the said Colonies, to represent them in a general congress at Philadelphia, in the province of Pennsylvania, to consult together of the best methods to obtain redress of our afflicting grievances, having accordingly assembled, and taken into our most serious consideration the state of public affairs on this continent, have thought proper to address your province, as a member therein deeply interested.

"When the fortune of war, after a gallant and glorious resistance, had incorporated you with the body of English subjects, we rejoiced in the truly valuable addition, both on our own and your account; expecting, as courage and generosity are naturally united, our brave enemies would become our hearty friends, and that the Divine Being would bless to you the dispensations of his over-ruled Providence, by securing to you and your latest posterity the inestimable advantages of a free English constitution of government, which it is the privilege of all English subjects to enjoy.

"These hopes were confirmed by the King's proclamation, issued in the year 1763, plighting the public faith for your full enjoyment of those advantages.

"Little did we imagine that any succeeding ministers would so audaciously and cruelly abuse the royal authority, as to withhold from you the fruition of the irrevocable rights, to which you were thus justly entitled.

"But since we have lived to see the unexpected time, when ministers of this flagitious temper have dared to violate the most sacred compacts and obligations, and as you, educated under another form of government, have artfully been kept from discovering the unspeakable worth of that form you are now undoubtedly entitled to, we esteem it our duty, for the weighty reasons hereinafter mentioned, to explain to you some of its most important branches.

"In every human society, (says the celebrated Marquis Beccaria) there is an effort continually tending to confer on one part the height of power and happiness, and to reduce the other to the extreme of weakness and misery. The intent of good laws is to oppose this effort, and to diffuse their influence universally and equally.'

"Rules stimulated by this pernicious 'effort,' and subjects, animated by the just 'intent of opposing good laws against it,' have occasioned that vast variety of events, that fill the histories of so many nations. All these histories demonstrate the truth of this simple position, that to live by the will of one man, or set of men, is the production of misery to all.

"On the solid foundation of this principle, Englishmen reared up the fabric of their constitution with such a strength, as for ages to defy time, tyranny, treachery, internal and foreign wars: and as an illustrious author* of your nation, hereafter

* Montesquieu.

mentioned, observes, 'They gave the people of their colonies the form of their own government, and this government carrying prosperity along with it they have grown great nations in the forests they were sent to inhabit.'

" In this form the first grand right is, that of the people having a share in their own government, by their representatives, chosen by themselves, and in consequence of being ruled by laws which they themselves approve, not by edicts of men over whom they have no control. This is a bulwark surrounding and defending their property, which by their honest cares and labours they have acquired, so that no portions of it can legally be taken from them, but with their own full and free consent, when they in their judgment deem it just and necessary to give them for public services : and precisely direct the easiest, cheapest, and most equal methods, in which they shall be collected.

" The influence of this right extends still farther. If money is wanted by rulers, who have in any manner oppressed the people, they may retain it, until their grievances are redressed ; and thus peaceably procure relief, without trusting to despised petitions, or disturbing the public tranquility.

" The next great right is that of trial by jury. This provides, that neither life, liberty, nor property can be taken from the possessor, until twelve of his unexceptionable countrymen and peers, of his vicinage, who from their neighbourhood may reasonably be supposed to be acquainted with his character, and the characters of the witnesses, upon a fair trial, and full enquiry, face to face, in open court, before as many of the people as choose to attend, shall pass their sentence upon oath against him ; a sentence that cannot injure him, without injuring their own reputation, and probably their interest also ; as the question may turn on points that, in some degree, concern the general welfare : and if it does not, their verdict may form a precedent, that, on a similar trial of their own, may militate against them.

" Another right relates merely to the liberty of the person. If a subject is seized and imprisoned, though by order of government, he may, by virtue of this right, immediately obtain a writ, termed a Habeas Corpus, from a judge, whose sworn duty it is to grant it, and thereupon procure any illegal restraint, to be quickly enquired into and redressed.

" A fourth right is, that of holding lands by the tenure of easy rents, and not by rigorous and oppressive services, frequently forcing the possessors from their families and their business, to perform what ought to be done, in all well regulated states, by men hired for the purpose.

" The last right we shall mention, regards the freedom of the press. The importance of this consists, besides the advancement of truth, science and morality, and arts in general, in its diffusion of liberal sentiments on the administration of government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated into more honourable and just modes of conducting affairs.

" These are the invaluable rights that form a considerable part of our mild system of government : that sending its equitable energy through all ranks and classes of men, defends the poor from the rich, the weak from the powerful, the industrious from the rapacious, the peaceable from the violent, the tenants from the lords, and all from their superiors.

"These are the rights, without which a people cannot be free and happy, and under the protection and encouraging influence of which, these colonies have hitherto so amazingly flourished and increased. These are the rights a profligate ministry are now striving, by force of arms, to ravish from us, and which we are, with one mind, resolved¹ never to resign but with our lives.

"These are the rights you are entitled to, and ought at this moment in perfection to exercise. And what is offered to you by the late act of parliament in their place? Liberty of conscience in your religion? No. God gave it to you; and the temporal powers with which you have been and are connected firmly stipulated for your enjoyment of it. If laws divine and human, could secure it against the despotic capacities of wicked men, it was secured before. Are the French laws in civil cases restored? It seems so. But observe the cautious kindness of the ministers who pretend to be your benefactors. The words of the statute are, that those 'laws shall be the rule, until they shall be varied, or altered by any ordinances of the governor and council.' Is the 'certainty and lenity of the criminal law of England, and its benefits and advantages,' commended in the said statute, and said to 'have been sensibly felt by you,' secured to you and your descendants? No. They too are subject to arbitrary 'alterations' by the governor and council; and a power is expressly reserved of 'appointing such courts of criminal, civil, and ecclesiastical jurisdiction, as shall be thought proper.' Such is the precarious tenure of mere will, by which you hold your lives and religion.

"The crown and its ministers are empowered, as far as they could be by parliament, to establish even the *inquisition* itself among you. Have you an assembly composed of worthy men elected by yourselves, and in whom you can confide, to make laws for you, to watch over your welfare, and to direct in what quantity, and in what manner your money shall be taken from you? No. The power of making laws for you is lodged in the governor and council, all of them dependent upon, and removable at the *pleasure* of a minister.—Besides, another late statute, made without your consent, has subjected you to the imposition of *excise*, the horror of all free states; they wresting your property from you by the most odious taxes, and laying open to insolent tax-gatherers, houses the scenes of domestic peace and comfort, and called the castles of English subjects in the books of their laws. And in the very act for altering your government, and intended to flatter you, you are not authorised to 'assess, levy, or apply any *rates* and *taxes*, but for the inferior purposes of *making roads*, and erecting and repairing *public buildings*, or for other *local* conveniences, within your respective towns and districts.' Why this degrading distinction? Ought not the property honestly acquired by *Canadians* to be held as sacred as that of *Englishmen*? Have not Canadians sense enough to attend to any other public affairs, than gathering stones from one place and piling them up in another? Unhappy people! who are not only injured, but insulted. Nay more!—With such a superlative contempt of your understanding and spirit has an insolent ministry presumed to think of you, our respectable fellow-subjects, according to the information we have received, as firmly to persuade themselves that your gratitude, for the injuries and insults they have recently offered to you, will engage you to take up arms, and render yourselves the ridicule and detestation of the world, by becoming tools, in their

hands, to assist them in taking that freedom from *us*, which they have treacherously denied to *you*; the unavoidable consequence of which attempt, if successful, would be the extinction of all hopes of you or your posterity being ever restored to freedom: for idiocy itself cannot believe, that, when their drudgery is performed, they will treat you with less cruelty than they have us, who are of the same blood with themselves.

"What would your countryman, the immortal *Montesquieu*, have said to such a plan of nomination, as has been framed for you? Hear his words, with an intense-ness of thought suited to the importance of the subject.—'In a free state, every man, who is supposed a free agent, ought to be concerned in his own government; therefore the *legislative* should reside in the whole body of the *people*, or their *representatives*.'—'The political liberty of the subject is a *tranquility of mind*, arising from the opinion each person has of his *safety*. In order to have this liberty, it is requisite the government be so constituted, that one man need not be afraid of another. When the power of *making laws*, and the power of *executing* them, are *united* in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same *monarch* or *senate* should enact tyrannical laws, to execute them in a tyrannical manner.'

"The power of *judging* should be exercised by persons taken from the *body of the people*, at certain times of the year, and pursuant to a form and manner prescribed by law. *There is no liberty*, if the power of *judging* be not separated from the *legislative* and *executive* powers.'

"Military men belong to a profession which *may be useful*, but is *often dangerous*.—The enjoyment of liberty, and even its support and preservation, consists in every man's being allowed to speak his thoughts, and lay open his sentiments.'

"Apply these decisive maxims, sanctioned by the authority of a name which all Europe reveres, to your own state. You have a governor, it may be urged, vested with the *executive* powers, or the powers of *administration*. In him, and in your council, is lodged the power of *making laws*. You have *judges*, who are to *decide* every cause affecting your lives, liberty or property. Here is, indeed, an appearance of the several powers being *separated and distributed* into different hands, for checks one upon another, the only effectual mode ever invented by the wit of men, to promote their freedom and prosperity. But scorning to be illuded by a tinselled outside, and exerting the natural sagacity of Frenchmen, examine the specious device, and you will find it, to use an expression of *Holy Writ*, 'a painted sepulchre,' for burying your lives, liberty and property.

"Your *judges*, and your *legislative council*, as it is called, are *dependent* on your *governor* and he is *dependent* on the servant of the crown in Great Britain. The *legislative*, *executive*, and *judging* powers are *all moved* by the nods of a minister. Privileges and immunities last no longer than his smiles. When he frowns, their feeble forms dissolve. Such a treacherous ingenuity has been exerted in drawing up the code lately offered you, that every sentence beginning with a benevolent pretension, concludes with a destructive: and the substance of the whole, divested of its smooth words, is—that the crown and its minister shall be as absolute throughout your extended province, as the despots of Asia and Africa. What can protect your property from taxing edicts, and the rapacity

of necessitous and cruel masters? your persons from *lettres de cachet*, gaols, dungeons, and oppressive service? your lives and general liberty from arbitrary and unfeeling rulers? We defy you, casting your view upon every side, to discover a single circumstance, promising from any quarter the faintest hope of liberty to you or your posterity, but from an entire adoption into the union of these colonies.

" What advice would the truly great man before mentioned, that advocate of freedom and humanity, give you, was he now living, and knew that we, your numerous and powerful neighbours, animated by a just love of our invaded rights, and united by the indissoluble bands of affection and interest, called upon you, by every obligation of regard for yourselves and your children, as we now do, to join us in our righteous contest, to make a common cause with us therein, and to take a noble chance of emerging from a humiliating subjection under governors, intendants, and military tyrants, into the firm rank and condition of English freemen, whose custom it is, derived from their ancestors, to make those tremble who dare to think of making them miserable.

" Would not this be the purport of his address? 'Seize the opportunity presented to you by Providence itself. You have been conquered into liberty, if you act as you ought. This work is not of man. You are a small people, compared to those who with open arms invite you into a fellowship. A moment's reflection should convince you which will be most for your interest and happiness, to have all the rest of North America your unalterable friends, or your inveterate enemies. The injuries of Boston have roused and associated every colony, from Nova Scotia to Georgia. Your province is the only link that is wanting to complete the bright and strong chain of union. Nature has joined your country to theirs. Do you join your political interests. For their own sakes they never will desert or betray you. Be assured that the happiness of a people inevitably depends on their liberty, and their spirit to assert it. The value and extent of the advantages tendered to you are immense. Heaven grant you may not discover them to be blessings after they have bid you an eternal adieu.'

" We are too well acquainted with the liberality of sentiment distinguishing your nation, to imagine, that difference of religion will prejudice you against a hearty amity with us. You know, that the transcendent nature of freedom elevates those, who unite in the cause, above all such low-minded infirmities. The Swiss Cantons furnish a memorable proof of this truth. Their union is composed of Catholic and Protestant states, living in the utmost concord and peace with one another, and thereby enabled, ever since they bravely vindicated their freedom, to defy and defeat every tyrant that has invaded them.

" Should there be any among you, as there generally are in all societies, who prefer the favours of ministers, and their own interests, to the welfare of their country; the temper of such selfish persons will render them incredibly active in opposing all public-spirited measures, from an expectation of being well rewarded for their sordid industry by their superiors: but we doubt not you will be upon your guard against such men, and not sacrifice the liberty and happiness of the whole Canadian people and their posterity, to gratify the avarice and ambition of individuals.

" We do not ask you, by this address, to commence hostilities against the

government of our common sovereign. We only invite you to consult your own glory and welfare, and not to suffer yourselves to be inveigled or intimidated by infamous ministers so far as to become the instruments of their cruelty and despotism, but to unite with us in one social compact, formed on the generous principles of equal liberty, and cemented by such an exchange of beneficial and endearing offices as to render it perpetual. In order to complete this highly desirable union, we submit it to your consideration, whether it may not be expedient for you to meet together in your several towns and districts, and elect deputies, who after meeting in a provincial congress, may chuse delegates, to represent your province in the continental congress, to be held at Philadelphia, on the tenth day of May, 1775.

"In this present congress, beginning on the fifth of last month, and continued to this day, it has been with universal pleasure, and an unanimous vote, resolved, that we should consider the violation of your rights, by the act for altering the government of your province, as a violation of our own; and that you should be invited to accede to our confederation, which has no other objects than the perfect security of the natural and civil rights of all the constituent members, according to their respective circumstances, and the preservation of a happy and lasting connection with Great Britain, on the salutary and constitutional principles herein before mentioned. For effecting these purposes, we have addressed an humble and loyal petition to his Majesty, praying relief of our grievances; and have associated to stop all importation from Great Britain and Ireland, after the first day of December, and all exportation to those kingdoms and the West Indies, after the tenth day of next September, unless the said grievances are redressed.

"That Almighty God may incline your minds to approve our equitable and necessary measures, to add yourselves to us, to put your fate, whenever you suffer injuries which you are determined to oppose, not on the small influence of your single province, but on the consolidated powers of North America, and may grant to our joint exertions an event as happy as our cause is just, is the fervent prayer of us, your sincere and affectionate friends and fellow-subjects.

By order of the Congress,

Oct. 26, 1774.

HENRY MIDDLETON, Presdt."



BOOK XVII.

THE AMERICAN REVOLUTION: TO THE INVASION OF
CANADA, 1775.



CHAPTER I.

The duty is entailed upon me, to the extent that it affected Canada, of narrating the events of the revolution, which ended in the separation of the American colonies from the mother country, and of tracing the influences which led that province to resist the movement, and continue under British rule. It is by no means an easy task. Opinions with regard to this unfortunate contest, having in their first stage their origin in party sympathies, have for the last century been so positively expressed, as to become, in a great measure, accepted truths. The reflex of the political passions of the time, called into activity by imperial politics, continues even at the present day to complicate the narrative, and to distort it by the many prejudices which then had their origin. The personal sentiments of the king are still remembered, his desire to constitute himself the central source of power, and his determination to set at nought the parliamentary restraints which had placed his great grandfather on the throne.

The support given to the provincial pretension of immunity from all taxation in the first period of the difficulty, by those who countenanced and advocated the American cause, may to a great degree be traced to the feeling that the success of the court, in subduing the self-assertion of the colonist, would have so increased the royal power that constitutional government would have disappeared from the house of commons, and the struggles of 1642 and of 1688 would, at all cost, have had to be renewed. The attempt of George the third to surround himself by pliant ministers, having opinions in discord one with the other, individually looking to the monarch for inspiration and support, caused the greatest apprehension with all who penetrated its mischievous influences. The theory that the royal prerogative could be best affirmed,

not by its direct assertion, but by obtaining control of the house of commons, exercised through men blindly devoted to the king's will, and maintained by him to carry out his purpose, had each year gained strength and vigour. Burke has left us the picture of the "king's friends" as they were called from their pliancy to the royal wishes. Several were possessors of office in the ministry, who accepted their position with no other view than to place themselves entirely at the king's disposal, and to counteract the policy he secretly opposed. The king's want of straightforwardness in this respect is indisputable. Prominent in this class was lord Barrington, ever to be remembered by his unworthy treatment of Wolfe's mother, in her advocacy of the claim which her son's memory had upon the country. Many held offices of profit and of trust, many were simply members of parliament, whose support and votes were purchased. The minister bringing forward a bill with the king's consent, never knew on whom he could count when the measure was debated. He even experienced opposition from members of his own administration. There have been attempts to vindicate the memory of George the third from his use of these means to obtain the power he desired; but they rise no higher than the special pleading of courtly writers, setting truth out of view. It is not possible to recognise the political existence of personages like Germaine, Sandwich, Rigby, Wedderburn, Jenkinson, *et id genus omne*, unless we regard them as sustained by royal favour. In modern politics any public man, however prominent his position, following such a line of conduct, would be fiercely assailed by public opinion, and driven in a few hours from office. The narrative of the American revolution which sets out of view this influence, will fail to account for much of the strong support that the colonial cause received in the house of commons, and in political circles in London.

It is the fashion with many modern writers to start with the theory, that from the commencement of the dispute, the mother country was entirely in the wrong, and that the

colonies were entirely in the right, and so-called facts are appealed to, to establish the truth of this view. One of the facts so advanced is, the homage paid to Pitt, as an example of the grateful feeling entertained in America for the services rendered by the mother country. It may be questioned if Chatham's name ever obtained popularity in the colonies until his defence of their cause in the house of commons became known. It may be safely affirmed that public opinion had nothing whatever to do with the name of Pittsburg having been given to fort Duquesne ; it was the act alone of Forbes in command of the expedition, as the conquest itself was mainly effected by imperial troops.*

During the year of the war with France, there was never any remarkably strong expression of colonial devotion to the mother country, even when the provincial forces took part in the struggle which was to decide their own national existence. The provincial troops were in their greatest strength from the spring of 1758, to the autumn of 1760, when about 10,500 men were under arms, in the field and in garrison. The actual fighting, however, generally fell on the imperial forces. At Louisbourg, in 1758, at the second siege, five companies only of rangers were present in a force of 12,260 men. In the same year, during the operations on lake George and Ticonderoga, 5,960 provincials were present with 6,405 imperial troops. The main attack was made by the latter, the proportion of casualties being with the provincials, 79 killed, 226 wounded, while the greater loss of the British force was, 438 killed, 1,049 wounded. After the repulse of Abercrombie, when fort Frontenac, lake Ontario, was taken, Bradstreet's column, including *bateau* service and Indians, amounted to 2,984 men ; of this number, 179 only were imperial troops. Here there was no fighting. Earlier in the summer, Abercrombie's force before Ticonderoga included the full strength furnished by the northern provinces, except the small garrison at fort Stanwix.

During the same year, 1758, contingents of the Pennsyl-

* Ante, vol. IV., p. 213.

vanians and Virginians were organized for the attack on fort Duquesne under Forbes, which took place in November. When the troops marched forward, the force was formed of 1,630 imperial troops, and 4,350 Pennsylvanians, Virginians, and some companies from North Carolina and Maryland. In the final advance, 2,500 picked men only were engaged. In Wolfe's attack on Quebec, in 1759, in an army of 8,535 men, 700 rangers only were present. During Amherst's campaign the same year, in lake Champlain, the force consisted of 6,537 imperial troops and 4,839 provincials, and in the contemporary operations against Niagara, 2,680 provincial troops were present with the 44th and 46th imperial regiments. In 1760, on the final operations against Montreal, Amherst's force, including the Indians, amounted to 10,961 men, of this number 4,479 were provincials.

With this assistance from the provinces, the weight of the contest had fallen upon the mother country. British fleets had protected the American coast and American commerce. Even at the first taking of Louisbourg the fleet rendered incalculable service, to which modern United States writers in their description of that event in no way give the prominence it deserves, and, without the presence of the fleet it may be affirmed the siege would never even have been undertaken. On that occasion, the attacking force consisted entirely of a provincial force of 4,070 men, of whom 3,170 belonged to Massachusetts alone. The weakness of the garrison, which numbered 1,900 men, of whom 600 only were regular troops, made resistance impossible in the presence of the powerful fleet, and the gallantry of the attacking force. The siege lasted six weeks, from the 1st of May to the 15th of June. When the two sieges of Louisbourg are ever mentioned, the weakness of the first defence, in strong contrast to that of the second attack in 1758 under Amherst, is only imperfectly remembered.

The immense service rendered to New England by the destruction of Louisbourg must never be set out of view. That fortress was a continual threat, not only to her com-

merce, but to the safety and very existence of her cities. There was no assurance of peace or security, while the harbour could be held by a French fleet. With the assistance of the provinces, the extent of which I have given in detail, the imperial forces had driven the French out of Canada. In the two last wars in which the empire was engaged, the American possessions being to a great extent the *casus belli*, the national debt had been increased eighty-seven millions of pounds sterling. The provinces had contributed in a monetary point of view nothing to the expense of the war; and while the provincial troops were in the field they received pay from the British treasury.

Many opinions are recorded as having been expressed by men in prominent positions, that, owing to France no longer being in possession of the northern part of the continent, it would not be possible for England to retain her American colonies. These views can only now be remembered as shewing some shrewdness on the part of those who uttered them, and they may be compared to the predictions of a weather prophet, which attract attention when by chance they are realized. The one name which commands attention in this respect is that of Kalm, the Swedish naturalist, who in 1748 travelling through the provinces in his visit to Canada, based his opinions upon what he heard at Philadelphia. He formed the view, that it was a fortunate matter for the crown of England, that no serious attempt had been made to drive out the French, for he conceived that Canada could not resist the wealth and numerical strength of the British provinces. He dwelt upon the commercial restrictions imposed by Great Britain for the support of her commerce, which prevented the establishment of manufactures; refused the right of mining; made traffic to a foreign land illegal; and forbade foreign vessels to enter the colonial ports. The discontent caused by this legislation had weakened the affection entertained for the mother country, and the ill-feeling was increased by the numberless Germans, Dutch, and French, established in the provinces, who had little love for old England. Blended

with this disaffection, there were the aspirations of a young people; the desire of progress; and the love of change. Kalm adds, that several English colonists expressed the opinion that in thirty or fifty years the provinces would be strong enough to form a state, independent of the mother country. But, continues Kalm, the cities on the coast being exposed to attack, and the interior of the country liable to be harassed in the time of war, the dangerous neighbourhood of the French would prevent the link between the mother country and the colonies being entirely broken.*

We have here a statement based on what was positively expressed, and all evidence goes to shew that the feeling never passed away. There had been repeated complications with regard to the position of the imperial and provincial officers, which had been only with difficulty arranged, and a feeling had gradually grown up of an impatience of control, which a prosperous community must ever feel. The population at the peace of Paris in 1763 was about a million and a half, two hundred thousand of whom were capable of service in the field; those engaged in agriculture, stalwart in form, inured to hardship, used to fire-arms, and as a body disinclined to pay taxes. In New England, there was a large sea-faring population engaged in fisheries; and on the coast numbers followed commercial life. It was here, that the pressure of the connection was more immediately felt. The mercantile classes of Great Britain looked with jealousy on any interference with their trade with the colonies, and exercised their influence to prevent the establishment of manufactures. It was the day of restriction; the principles on which trade could be soundly established were known but to few thinkers, and it was not considered that liberality of intercourse could be made mutually beneficial. It was in this direction that weight of the connection was felt, and it may

* Travels into North America, &c., &c., by Peter Kalm, of the Swedish Royal Academy of Sciences, translated by John Rheinhold Forster, F.A.S., 1770-71. [Vol. I., 263-265]. Kalm made his journey to the British provinces and Canada in 1748-1749.

be safely said that commercial repression was the true, as it was the first, ground of discontent. Had free trade been conceded to America, so that she could buy and sell where she wished ; manufacture what she saw fit ; and carry her commerce in the direction she thought expedient, the stamp act would have been a matter of no account. The money view was too paltry a consideration ; and as a system of raising revenue, its character is shewn by its prevalence in every civilized country to this day.

In the examination of the causes of the war, if it be possible correctly to determine them, it is important to Canada which has remained a British province, to establish, if on one side, the mother country was really guilty of the tyranny which has formed the staple argument of the addresses of the 4th of July for the last century, and, on the other, if a people, devotedly attached to British connection, was goaded by this tyranny into a passionate desire to break the relationship. Further, we have to examine if it be true that, until a certain stage in the dispute, reconciliation was always possible, and that it was always thwarted by the perverse folly and unceasing wrong-doing of the parent state : that on one side there was continuous oppression ; on the other, the pure spirit of liberty acting in accordance with the traditions inherited from the forefathers of the malcontents. It is essential, that this question be carefully and earnestly examined, in any work professing to relate the history of Canada.

It has never been pretended that Great Britain ever drew, or desired to draw, a revenue from the American provinces. The commercial restraint enforced by the influence of the commercial classes, which must ever exercise a powerful control over the policy of the state, followed the system of the time. The policy had its origin in the selfish desire of aggrandizement, unenlightened by the knowledge that the abandonment of a broad principle for the benefit of the favoured few, works to the national disadvantage. We can still learn that retribution, if not swift, is certain, when legislation has in view the bestowal of exclusive privileges. The laws which govern

commerce were, at that date, generally speaking, unknown ; but whatever may be said of the shortcomings of Great Britain in this respect, it is undeniable that the treatment received by her colonies was infinitely more considerate, than that extended by France and Spain to their possessions.

While this spirit prevailed in London, an impatience of all control was increasing in the provinces. If not the leading principle of America, the doctrine was prominent, that one of the primary duties in life was to obtain money. Parties in New England and New York during the war furnished supplies to the French fleets, sent provisions to Canada and the West Indian isles, and smuggling became an organized calling. With all that was to be dreaded from the establishment of Louisbourg, New England traders despatched material and provisions to aid in its foundation.

Had George II. lived ten years longer, it is possible that some recognized system by which the colonies could have contributed to the revenue, would have been established. Chatham would never have been dislodged from office by Bute and his creatures, and the ten years, which George III. would have passed as prince of Wales, might have taught him wiser theories of government, than those which, as king, he acted upon. However unfortunate the consequence arising from the king's pretensions to direct the government, no man could have felt more honestly, or have been more desirous of performing his duty to the country. The pernicious influence of his mother, on a mind singularly narrow and obstinate, might to some extent have been modified by the events which would have happened ; and, by that time, there would have grown up a strong public opinion which he could not have set at defiance. Chatham was not one to falter in the enforcement of the policy he had conceived ; and the agitators, who for ten years perverted the minds of the colonists, would not have been allowed the free field of action they enjoyed. The condition of England could not be ignored. The triumphs of the war, which a different treaty would have more fully enforced, had been attained at the cost of blood and treasure.

The debt had increased to one hundred and forty millions, and the population of England was eight millions. Taxation was very heavy; there was depression in nearly every walk of life; while the colonies were prosperous, free from poverty, without dread of any foreign enemy; and had been placed in this position by the power and valour of the mother country. What wrong, or what injustice can be traced to the demand that, these prosperous communities should, in some slight degree, contribute to their own future support, and not throw the entire burden on the home of their ancestors?

It is difficult to dispute the proposition that it was the duty of the colonists to aid in their own defence; equally so, following the rule of precedent and custom, to deny the legislative right of parliament to determine the extent of this contribution. It is essential to bear in mind, that no tax was imposed in the slightest degree for the general benefit of the empire; the expenditure was to be made in the colonies alone, for the maintenance of the military force, which the threatening attitude of the European powers justified. The British fleet, protecting American commerce, was maintained entirely at British cost, and the interest for the debt incurred in the war was paid by the United kingdom.

It is worthy of remark, that in the early days of dissatisfaction this proposition was never disputed. The claim was not that the tax was wrong in principle; what was urged against it was the mode of its establishment. The objection was raised that, it had been imposed by a body in which the colonies had no voice; and it was pretended that, simple as the tax appeared, it was only the commencement of a system, by which every colonial right was to be sacrificed; and, in the exaggeration of the time, "they and their children be reduced to the condition of slaves." But with all this violence of complaint, those prominent in opposing the tax made no suggestion of the system, on which contributions to the expense of maintaining the safety of the colonies should be made.

One strong feeling of dissatisfaction penetrated the colonies

caused by that social imperial pretension, which, with all our wiser theories of government, has not at this hour entirely passed away. It was a further source of mortification, that the fields of colonial advancement in the imperial service were so limited, as scarcely to exist. Offices of trust, honour, and emolument were given by patent to men prominent in imperial politics, possessing social or political weight. Such offices were regarded as sinecures. The holders appointed deputies as cheaply as they could be obtained, competence being a secondary consideration.

Owing to the accumulation of wealth in the cities, a class had come into prominence with whom this condition had grown to be considered even as a personal wrong. Until the war, the universities had been generally attended by students desirous of entering the ministry in the several non-episcopal forms of worship.* Generally in Massachusetts, the religion followed was what is called in modern times congregationalism. The episcopalians did not include one-third of the population. There was always a great opposition against the appointment of bishops in New England. As late as 1772, at the Boston meeting, the possible introduction of episcopal rule was enumerated in the eleventh resolution as a great grievance. The clergy of the episcopal church were therefore sent out from England, or pursued their theological studies in their homes. Few episcopalians, if any, were to be found in the northern colleges. In Virginia, the church of England was the established form of religion.†

At this date, students of a different character commenced attendance at the universities. They had no design of entering the church. They looked forward to following the profession of law, and many appeared in public life to play a leading part in the agitation of the succeeding few years. One consequence followed: litigation became more general.

* Harvard University, Massachusetts, was founded in 1638. William and Mary, Virginia, in 1693. Yale, Connecticut, in 1701.

† It was not until 1787 that the first Anglican bishop, Dr. Charles Inglis of Nova Scotia, was appointed. He arrived in Halifax on the 16th of October.

The consequence, however, was that many young men received a higher education, for whom there was no future, at least such as that to which they aspired. Only a limited number could obtain a fair professional income; the provincial assemblies could furnish seats for some of the number, to the exclusion of the local influential personages engaged in agriculture. They had little to look forward to in the form of imperial employment, which was a field closed to them: and they were ready to welcome a change that would lay open to their ambition the avenues, at that time crowded by nominees from home. It took some years for the doctrine to be set aside; that colonial appointments were to be reserved for the benefit of the friends of the supporters of the imperial government in power.

It has long been customary to adduce the stamp act as the primary cause of these troublous times. Imposed by George Grenville, it came into operation in 1765. If that act is dispassionately considered, it must be seen that other causes of dissatisfaction, if not so loudly expressed, were strongly and deeply felt, and that they aggravated the violent denunciation of the measure. Grenville, during Bute's administration, had been leader of the house of commons. On Bute's resignation, he recommended Grenville as his successor: it is supposed with the anticipation, that, from behind the scenes, he would continue to retain power. If this were Bute's calculation, it entirely failed. Grenville possessed courage and self-assertion amounting to obstinacy. He was painstaking and laborious, mastered the detail of his office with untiring drudgery; he had no feeling of respect or regard for Bute, and was without sympathy with Bute's political views. Grenville had indeed differed widely from Bute regarding the peace. He became head of the government on April the 8th, 1763. The prominence given by writers for the century past to the introduction of the stamp act, conferred an importance on that event against which it is difficult to contend. The act is still spoken of as an arbitrary violation of right, and the strong opposition against it is adduced as an argument establishing its injustice.

The character of the act itself has been lost sight of, in the consideration of the principle of constitutional government it was considered to violate. It had, however, but a slight influence on commercial or social life; the tax was to be paid by the more prosperous classes; it was easy of collection; and the proceeds were devoted to the use of the province. The grievance in the form of its collection lay in the fact that it was a tax raised by imperial authority, without reference to the colonies, and without the formality of seeking their consent.

The agitation took the wider field that it had been experimentally enacted, to be the forerunner of other taxes. The revenue derivable was estimated at about £100,000, while the money, necessary to pay the troops to be quartered in the country would have demanded four or five times the amount. The uses to which the impost was to be applied, the maintenance of a military establishment, was a greater source of discontent. The policy called forth much heart-burning and anger in New York and in New England, where there was little love for the imperial soldier, although the service he had rendered was of too recent date for the memory of it to be weakened.

The necessity of an armed force in British America had been unmistakably shewn by the obstinate character of the Indian war, narrated in the early chapters of this volume, a war, even unsubdued in 1764, the year when the stamp act was proposed. The aggressive operations of the western tribes had been conducted with such vigour and pertinacity, that they could not have been repelled by hastily collected undisciplined troops, drawn hap-hazard, and in many instances unwillingly, from civil life. It was evident that should such an emergency recur, it could only be met by a thoroughly organized disciplined body of men: in a word, by trained reliable soldiers.

Canada had lately been conquered and constituted as the northern province. The maintenance of garrisons in its principal centres became a necessity, if the possession of the

the province was to be assured ; and thus it became an element in the general consideration.

In Europe, the national jealousies and complications of the time likewise exacted attention, and by every law of statesmanship it was the duty of Great Britain to hold her possessions secure against every hostile attempt. There was no certainty that war in Europe would not be rekindled, and it was a matter of ordinary precaution to be prepared for such a contingency. The agitators of the day pointed to the colonial militia as a sufficient defence in the hour of danger. Experience, however, had shewn that in the last war with France, when the existence of the American provinces was threatened, and the people were earnestly summoned to take up arms for the defence of their homes, their families, and their nationality, the provincial troops alone came forward to join the ranks of the imperial troops, when Chatham engaged to pay them for their service.

The extent of the power possessed by the imperial parliament in the government of the colonies will probably continue to be a matter of dispute. It is neither my duty nor my purpose to enter into the question ; but I feel it proper to say, that the assertion of the authority of parliament by the stamp act was not at variance with the limit of authority, previously exercised, and recorded in the statute book.

The mistake of the stamp act was the incapacity to understand the economic condition of those, to whom the act would apply, and the failure to recognize that, in the condition of feeling in the province, it was inexpedient to enforce it. It seems to me that we err, when we regard the question simply from the constitutional point of view. Had perfect loyalty to the imperial government been entertained, any objection to the enactment might have been temperately stated, and relief from the asserted injustice asked with moderation and dignity : but no such course was followed. The dissatisfaction assumed the form of violent indignation, fomented by those who felt that the time had arrived when the subordinate position of the colonist should cease ; and that in America the

only controlling legislation should be that, which the people themselves voted in the provincial houses of assembly.

The regulations regarding the Indian territories likewise caused wide discontent. The operations of the jobbers in land were checked by the imperial control imposed on dealings with the Indian. No few of this class were prepared to obtain patents by any system of chicane, regardless of the tumult and bloodshed the fraud might cause. To this day Indian wars have prevailed in the United States from the constant failure to observe the principle inculcated by these regulations; while in Canada, our fidelity to them has saved us from all evil consequences. It is to be remembered that Bouquet's expedition to the Muskingum was brought to a close only in 1764. It may be questioned, if the militia of the provinces had alone been in the field, whether peace would have been then obtained, and a desolating war might have been continued for years. The narrative contained in the early pages of this volume will shew the truth of this view.

One great mark of the want of wisdom of the stamp act was the insensibility to the obligations entailed by its enactment. Those who, in the provinces, took part in the opposition to its introduction went to the extreme of agitation. In the house of commons, the act itself had attracted little attention, the minority against it in a thin house, was less than forty in number. The political passions had, at that date, not been excited by the proceedings against Wilkes. In America on the contrary, public feeling was strongly called forth. The violent opposition to the act, commencing at Massachusetts, ran through all the colonies. Grenville had stated that the tax was an experiment towards further aid from America, and the expression was tortured into a determination on the part of parliament, to introduce a systematic impost of imperial taxation.

The agitators had the ground to themselves; their virulence could be persevered in without contradiction, especially in the American cities. The governors were powerless to restrain them; and while the opposition press teemed with unrestrained

violence, scarcely a journal in the imperial interest was active in counteracting the poison. Even at this date the policy was observed, which was followed to the eve of the declaration of independence; the assertion, on the part of those who had determined to break from the mother country, of their perfect allegiance to her, with the declaration that they claimed only the right of British subjects and the freedom they had inherited from their English forefathers.

The stamp act was a plausible grievance, for it could be discussed and dignified by patriotic language. The repression of smuggling was of a different character. During the late war it had much increased in England; in America it prevailed as a custom, and had grown into an almost universal practice. The British government resolved that the revenue laws should no longer remain inoperative. As the officials who enforced the custom regulations were appointed and paid by the crown, they were independent of control by the local authorities. As in England, all cases of smuggling in America were brought before the admiralty courts, in which the decision was made by the judge alone, no jury being summoned. Much activity was shewn in preventing these breaches of the law, and their suppression proved troublesome in the extreme to the traders at Boston, and the other parts of New England, as also to a numerous class at New York. Armed vessels of war were stationed on the coast to prevent the landing of contraband goods, and the naval officers were sworn to execute the revenue laws. They carried on the duty, possibly, with no great delicacy, and with little consideration for those engaged in the trade. The consequence was the continual complaints of wrongful seizures, and illegal outrages.

All the passions awakened by the regulations on the subject of Indian lands, and called forth by the suppression of smuggling, found vent in the denunciation of the stamp act. To me it appears unwarrantable, to attribute to this measure alone all the bad blood which was engendered. The act came into great prominence from the fact that no other cause explanatory of the dissatisfaction was specifically named.

Although its introduction formed the emblazonment of the standard of discord, it represented in an imperfect degree the discontent which was passing through the colonies; even with the additional stimulant of agitation which proclaimed that it was the point of the wedge of future imperial taxation. The account has often been written of the defiant spirit in which the news of the passage of the act was received. Copies were sold with a death's head on them instead of the royal arms. The church bells tolled the death-knell. The colours were hoisted half-mast high, and every indication was given, that, if the act was to come into operation, the authorities who had to enforce it, needed sufficiently strong protection to carry out the duty.

Grenville let things take their course : there were no troops in Boston ; about one hundred men only in New York. History is full of examples how an active minority unopposed can commit a country to a policy. A few years later, in 1780, London was to experience what a small body of drunken rioters of the lowest class could effect in the lord George Gordon riots. A few resolute men would have put them down in an hour. The proceedings arising from the Scots guards having fired upon the people in Saint George's field in 1768, had paralysed the military authorities even in the purlieus of the court.*

There was throughout the revolutionary war a strong party recognized as loyalists ; and had Great Britain possessed a

* On the opening of parliament in 1768 a mob assembled at the gate of the King's Bench prison, demanding the release of Wilkes, who had been again returned member for Middlesex. Some magistrates, on hearing of the tumult, came upon the ground and, on the arrival of the Scots guards who had been called out, stones and brickbats were hurled at the troops. The riot act was read. By the accounts of the day the troops were ordered to fire. Some of the men were accused of having pursued a young man a short distance, and of having shot him. Six persons were killed, fifteen wounded, including two women. A coroner's verdict of wilful murder was brought against the magistrate and troops, and by name against one McLean, the soldier who had followed and shot the young man. On their trial they were found not guilty. Although the secretary of war conveyed to the officers and men the royal approbation for their conduct, the event caused great hesitation on the part of those in authority, when they had to act in similar circumstances.

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minister such as Chatham once was, who would have selected able officers to repress the republican spirit then coming into prominence in New England, assured of the support to be given them, we should have seen the well-disposed, trusting to be fully sustained, range themselves on the side of authority, and have heard little of the Otis and Adamses. The grievances which really needed redress would have been examined and probed, not with weakness and hesitation, but with resolution and justice. This determination, carried out in a spirit of conciliation, was shewn at no time of this unhappy contest by imperial ministers. The record of the proceedings of the mother country is an uninterrupted exhibition of irresolution and weak petulance, characterized by a want of statesmanship, mismanagement, and an incapacity to comprehend the true issues at stake; while the choice of instruments, military and political, included the most incompetent and reprehensible appointments to high positions which appear on the pages of history.

The war of independence closed with reverses to Great Britain, more from the want of ability of her public men and the incapacity and lack of prudence of her generals, than from the superior wisdom and conduct shewn by the provincial leaders. One name only on either side stands prominently forth as possessing unblemished merit, that of Washington. The more the events of that date are considered, the more the ability and worth of that remarkable man are indisputably established. It is no exaggeration to describe him in the known sentence, as the father of the independence of his country. In the mid-day splendour of his merit, at its highest altitude, the petty twinkle of the small planets, his contemporaries, is so insignificant as to attract little attention.

What appears inexplicable at this early date is the abandonment by the British government of the field of public controversy in the provinces.

The publication of inflammatory libels was systematically persevered in by the advocates of revolution, to remain uncontradicted. The object of these writers was to excite

jealousy and discontent and hold up to derision every imperial official. During the excitement of the stamp act, those who were known to favour it in any form were exposed to personal violence. There was no attempt to protect the friends of the government. What passed for law was entirely on the side of tumult, for there was no power to safeguard any person active in the opposite direction. The governors were without power to sustain any public man who was desirous of giving support to the views of their government ; all known as the advocates of the policy of parliament were the objects of unrelenting persecution. The proceedings at Boston before the arrival of the stamp act, in the summer of 1765, relate the fate of the friends of authority. A tall elm, under which the opponents of the stamp act were accustomed to assemble, was christened by them "the tree of liberty," and from its branches were dangled the effigies of the prominent citizens who were supposed to favour the measure. The secretary of the province was Oliver; he had been named the stamp distributor. The mob pulled down a house reputed to be chosen as the future stamp office, broke Oliver's windows, and destroyed his furniture. Under threat of personal injury Oliver resigned his appointment.* One Mayhew, a clergyman of one of the non-episcopal denominations, for he is remembered by no prominent act beyond his opposition to the society for the propagation of the gospel sending out missionaries of the church of England, preached a violent

* The secretary, Andrew Oliver, subsequently appointed lieutenant-governor on the same day that Hutchinson was appointed governor, 26th of October, 1770. He was the brother of Peter Oliver, the chief-justice, who having married Sarah Sandford was brother-in-law to Hutchinson, whose wife was her sister, Margaret Sandford. The son of the chief-justice, Dr. Peter Oliver, married Hutchinson's daughter Sally. Andrew Oliver died in March, 1774. Hutchinson wrote concerning him to Manduit on the last day of that month [Diary and letters, 1, p. 133] : "The Lieutenant-Governor is out of the reach of his enemies. They followed him, however to the grave ; a part of the mob, upon the relations coming out of the Burying Ground, giving three huzzas. And yet few better men have lived."

Thomas Oliver, who succeeded as lieutenant-governor, although of the same name, was in no way connected with the Oliver family above alluded to.

sermon against the stamp act. The text of this teacher of the gospel of peace was: "I would they were even cut off which trouble you."* It was the signal for the renewal of riots. On the following night the residence of Story, the registrar of the admiralty, was attacked, the public records and his own papers were destroyed. Thence the mob proceeded to the controller of customs, broke into his house, looted it, and drank what wine and liquor could be found. They next rushed to the house of Hutchinson, the lieutenant-governor. He and his family had to flee for their lives. The house was gutted, the furniture and property brought into the street and burned. Hutchinson's library, his private papers and the records connected with the history of the province, which he had been a quarter of a century in collecting, were scattered about in all directions. Many of those rare papers have never been replaced. Hutchinson of all men exacted respect, and at this day no character in colonial history stands higher. His one fault in the eyes of his assailants was that he was loyal to Great Britain.

One cannot but feel how a few troops properly commanded would have dispersed in twenty minutes this wretched rabble. Even at the time, those who sided with the actors felt themselves called upon to summon a public meeting and to declare their "abhorrence" of such outrages. No one was punished, although the prominent persons engaged in the affair were well known, and this passive encouragement shewed that, in future emergencies, the perpetrators of violence and the abettors of terrorism could, when the crimes were committed in the interest of agitation, again violate law and order.

* Galatians V., 12.

CHAPTER II.

In July, 1765, Grenville was dismissed by George III. After an ineffectual attempt to induce Pitt to form a ministry lord Rockingham was appointed premier of the new administration. His government lasted from the 10th of July, 1765, to the 30th of July, 1766. In Burke's paper, "A short account of a short administration," he placed side by side in the list of the seven prominent services rendered in this period, the repeal of the stamp act, and the act securing the dependence of the colonies. It is at no time difficult, with the knowledge of subsequent events, to suggest a policy which would have obtained happier results, than that followed on any particular occasion. It must however appear strange that a mind of such a character as Burke's, failed to recognize the contradiction of the repeal of the stamp act, and the declaratory act of the right of the British parliament to tax the colonies. It may be said that the sense of this incongruity may be traced in the semi-apologetic tone in which Burke describes the second act, as having been conceived to conciliate public opinion, and it is impossible to escape the conviction that it was brought forward only owing to what Johnson described in his pamphlet of "The False Alarm," as "the great and pregnant principle of political necessity." The repeal of the stamp act, pure and simple, was open to the objection of being an incomplete measure; for if the repeal of the act was to be regarded as a recognition of a principle, the right of the imperial parliament to impose future taxation should at the same time have been renounced. If, on the other hand, it had been determined to maintain the right of parliament to impose taxes, it should have been deliberately so declared, and the act in its integrity maintained. The position was undoubtedly critical, and was to be met only by judgment and courage. It was the first

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occasion on the part of the colonies of a direct refusal of obedience on their part. The new ministry was unfortunately in the dilemma, that when in opposition they had opposed the stamp act; being in power, they felt bound as a party measure to repeal it. It was the policy of weakness not to consider directly in the act itself, the principle on which the act was founded, if that principle was to be in any way modified. The contrary was the case in the two bills passed by the house; on one hand, there was an abandonment of the principle on which taxation had been imposed on the colonies by parliament; on the other, an affirmation of the supremacy of the central government, and the maintenance of the right which at any future time could be exercised.

The politicians of New England who professed advanced opinions, whose desire was to be free from imperial control, and in the attainment of that result saw the prospect of personal distinction hitherto denied them, welcomed the abandonment of the act not as a concession of parliament made in the interest of peace, but as a victory of the opinions advocated by them, and achieved by the irresistible strength of their unflagging opposition. The repeal therefore advanced the cause of independence they had at heart. They fiercely attacked the declaratory act, using it as a lever by which the alarm and the agitation could be maintained; while others who had been led to think that their liberty had really been threatened by the tax, and had honestly accepted the view that it was an attack upon their rights and privileges, were satisfied by its repeal. The writers who were fomenting difficulty were unceasing in instilling the doctrine, that there was no ground for gratulation; that the maintenance of the principle only shewed greater powers were aimed at, and if freedom was to be granted to America, it could only be secured by the courage and constancy of purpose of those demanding it. The colonists were warned to continue active in their opposition, and to be vigilant in the advocacy of their rights. They were exhorted to encourage the production of wool, flax, hemp and cotton, to work them into clothing, and

to avoid importation of British manufactures so far as they were able.

Massachusetts had been called upon to indemnify the sufferers from the riots. The demand was in the first instance met by a refusal; and it was only eventually admitted, because Great Britain refused to pay money voted in 1763 until the satisfaction asked was given. In passing the act to pay the claims, a clause of indemnity in favour of the rioters was inserted. This clause, which was in fact an encroachment on the prerogative of the crown, granting pardon for crime, was annulled by an order of council in England.

If statesmanship had at this crisis been exercised, it was possible to have re-established the old kindly relationship. The feelings of affection entertained by the majority of the population in the years when the American provinces relied on the power of Great Britain for protection against the active, vigorous, destructive attacks of France, might have been re-awakened. No one had pressed more for the retention of Canada by the British at the peace than Franklin, and at this period he was attached to British rule. His feelings changed at a later date; and when they followed the opposite direction, no one with greater subtlety, more perseveringly, and more astutely acted to attain separation. There was a strong, wealthy and influential party attached to the connection with Great Britain, that remained so to the last. It should have been regarded as a duty by the ministry to give this class unfailing support and countenance; and to take measures that the cause of law and order was not violated with impunity. What was above all desirable was a government, sustained by resolution and material strength, which should act with justice, wisdom and moderation, and, not permit the promoters of tumult and disorder to continue their career unchecked.

At that date it was not possible to hope for wise theories of trade, for the principles of practical economy were only imperfectly understood. It was, however, so far known that unwise restrictions on commerce lead to discontent, and that

to a certain extent concessions were possible, which the selfish opposition of the English commercial classes could not have obstructed. One of the greatest of all essentials was that on the commencement of the disturbances a force should have been stationed in New York, Boston, and Philadelphia, to sustain the civil authorities when their power was assailed and to protect the executive in the discharge of its onerous and trying duties.

For this neglect the British government is responsible. The ministers did nothing. They allowed events to take their course, and drift onward in their ill-omened career, as might happen, without control or direction.

The duke of Grafton's administration commenced in July, 1766, and lasted until the 28th of January, 1770, three years and a half. Pitt, created earl of Chatham, became a nominal member of the ministry. But he was no longer the William Pitt who had directed the fortunes of his country, and by raising her to a height of renown she had never hitherto attained, made the name of Pitt immortal. It is generally conceded that during the greater part of this period Chatham's intellect was under an eclipse. It may be averred that he never regained that force of character and clearness of judgment, which in the previous reign had effected such remarkable results. Although to all appearance his mind was re-established, his oratory characterized by the brilliancy which had gained him his fame, and by its all commanding power held his listeners entranced, his later speeches cannot be placed at a higher horizon than powerful rhetoric. In vain we look for that statesmanship which had made him supreme in the councils of his country, and the affections of the people. One view was only expressed; conciliation towards the colonies, and the justification of their excuses. At the same time, he declared himself a strong supporter of the control of parliament. He would never permit himself to believe, that there was a desire of disruption on their part, and yet, it may be said, no public man in England aided more than himself to consummate that deplorable event.

For the greater part of the time that Chatham was a member of the Grafton ministry, to which his name gave the chief strength and support, a period of the greatest anxiety, calling for wisdom and firmness, he remained at Bath or Marlborough prostrate, owing to shattered health and a broken mind. It was during Chatham's abandonment of all ministerial duty, that Charles Townshend, chancellor of the exchequer, in this ministry, introduced his memorable measures with regard to America on the 13th of May, 1767. If we read between the lines of Burke's speech on taxation, 1774, we may form the opinion, that Townshend was influenced in this course by the "king's friends." The king's own opinion was well known to have been strongly against the repeal of the stamp act; and the imposition of any system of taxation was a re-assertion of the authority he never failed to maintain as his prerogative. Townshend brought forward three measures. One suspending the powers of the New York assembly, the governor being forbidden to sanction any law until the mutiny act was complied with. The justice of this act must be admitted by posterity. An imperial act had been passed by parliament, setting forth the provisions by which quarters would be furnished the imperial troops. At the date of the passing of the act, 1765, a column was in the field to obtain such a peace with the Indians as would be without danger of disturbance. Owing to the march of a body of men proceeding to the front, through the province of New York, the governor applied to the legislature to obtain accommodation for them. His message was given the day after he had communicated the repeal of the stamp act in 1766. No answer was returned until after their arrival. It was only the want of quarters for the troops which commanded attention to the governor's message. The assembly affected to consider the request as coming directly from the king. Several messages were interchanged; finally the assembly refused to carry out the act. The same feeling was manifested in other colonies. The fact is a strange exponent of the argument, which traces the cause of the hostility of the provinces to the stamp act alone.

The second act was the establishment of a board of commissioners of customs to carry out the laws relating to trade.

The third act explains the cause of the one above named, for it imposed duties on British manufactured goods imported into America, as a port duty, viz.; on glass, red and white lead, and painters' colours, likewise upon tea. The product was to be appropriated to a civil list for the payment by the crown of governors and judges. The revenue looked for, £40,000 sterling, was so small, that we are justified in regarding the design of the act to have been a declaration of the right of taxation; and that the object of obtaining revenue was secondary and subordinate. In short, it was the re-affirmation of the principle abandoned by the repeal of the stamp act.

These acts called forth great discontent in America. They were pronounced to be unconstitutional, and the power of parliament to impose taxation was generally repudiated. England was declared to be a malignant step-mother, and the officials who represented her were subjected to insult. It was on this occasion, the first congress of the united colonies assembled. The importance of creating a single basis of action, and so reconciling the discordant interests which separated the provinces, cannot be over-rated. It called into being the machinery by which the revolution was subsequently accomplished, for it placed in form and system, the allegations of a common complaint, and formulated an accepted specification of grievances. Above all, with those who were hesitating as to the course they would follow, it tended to impair respect and affection for the mother country.

A meeting was held in Boston, in October, 1768, with the design of entering into an engagement to abandon the use of all luxuries, and to discontinue importations of home manufactures. It was felt, that here was a vulnerable point, by which the colonists could obtain support in their demands by the interference of the commercial class, whose interest this measure assailed. One heart-burning imperial regulation was

the establishment of the board of customs at Boston, to enforce the laws; for smuggling was really a portion of ordinary commerce, and to interfere with this course of trade was to destroy the means of livelihood of those engaged in it.

The Massachusetts assembly met in January, 1768, and voted a petition to the king. The governor, sir Francis Bernard, called upon the assembly to rescind the resolutions passed the previous year, which had led to the wide distribution of the circulars summoning a meeting of provincial delegates. The majority declined to comply, asserting that by so doing their votes would be controlled, and they would possess only the semblance of liberty. The governor dissolved the house. Bernard was a man of ability. United States writers describe him as petulant, unconciliatory, and arbitrary; but he had by his advocacy of the stamp act fallen into popular disfavour, and, by his refusal to confirm the nomination of some members of the council, had become the object of personal animosity to his political opponents in the legislature. The letters, afterwards published, in which he penetrated the motives of the extreme leaders, excited much ill feeling against him. A subsequent cause of grievance was that Bernard was made a baronet, in 1769. He was called home in the summer of this year, and Hutchinson, then lieutenant-governor, was named governor in his place.

In June of the same year, the incident of the sloop "Liberty" took place. The vessel was the property of Mr. John Hancock, a merchant of Boston, afterwards chosen president of congress. It arrived in port with a cargo of Madeira, and, as the custom house officer objected to the cargo being landed without payment of duty, the captain locked him up in the cabin, put the Madeira ashore, and substituted a few barrels of oil in its place, which were entered as the cargo. The fraud being detected, the sloop was seized, and placed under the guns of the "Romney." On the sloop being moved away, a mob gathered, and the custom house officials were assaulted and pelted. Their houses were attacked, and the windows broken, while the collectors' boats were seized, hauled through

the streets, and burned in front of Hancock's house. The custom officers applied to the governor for protection, and the matter was brought before the council. Such was the force of mob law that nothing was done, and the officers were even driven to seek protection against personal violence at Castle William.

These proceedings were followed by a public meeting held on the 14th of June, when a remonstrance was presented against the seizure of the sloop, which furnished the cause of the defiance of law, with the additional request that the "Romney" should be ordered out of the harbour. In consequence of these disturbances, orders were sent to Gage, in command at New York, to despatch additional troops to Boston, and two regiments, with four sloops of war, were ordered there from Halifax.

The agitation was in no way permitted to rest. On the 12th of September a meeting was held, at which a petition was drafted to the governor, calling upon him to summon an assembly. He replied that it was not in his power to comply until he received the proper instructions to do so. In consequence, a public meeting was convened, at which it was declared by those who attended, that the presence of this armed force would be an infringement of their rights as citizens, and that, as a war with France was looked for, the inhabitants not possessing arms should procure them. They further recommended that there should be an assembly of delegates from all the towns, within ten days, at Boston. These proceedings did not pass without reprobation, and they were condemned in many quarters in Boston itself. In accordance with the custom which had been introduced of connecting the cause of political dissatisfaction with religion, the several ministers were called upon to name a day of fasting and prayer throughout the province.

The convention met on the 22nd of September in Faneuil Hall; ninety-eight towns and eight districts were represented. Hatfield refused to take any part in the proceedings. The assembled delegates sent a deputation to the governor to

disclaim all extreme acts, assuring him that they had only met to discuss such measures as would promote peace. The governor refused to receive the deputation, and issued a proclamation calling upon the convention to disperse, and firmly declared that he would assert the prerogative of the crown. The troops were daily expected, and it became a question whether the republican party which had summoned the convention, and it is not possible to deny its existence and its unceasing activity, would set the government at defiance, and assert with arms in their hands the rights they claimed, or whether they would follow moderate counsels and eschew violence.

They contented themselves with taking the constitutional course of petitioning the king; and, disclaiming all pretence to authority, recommended deference to the government, and that they should patiently await the result of an appeal to the royal wisdom. The convention was dissolved on the 29th, having deliberated for a week only; on the same day the troops arrived. The latter were quartered in some houses in the town hired to receive them. In a short time four regiments were present in the city.

It is idle to reject the belief that the expected arrival of the troops exercised control over the turbulence of the convention; their presence was of greater importance, that it was the first exhibition of imperial authority. A wise assertion of control over mob lawlessness would have quieted the public mind, and have put a stop to the reckless agitation which the republican spirit of New England was fostering. The extreme party which had in view the separation of the provinces from the mother country, as generally happens with men professing advanced opinions, were regardless of all consequence. The great bulk of the people, at this date, did not desire any such violent disruption, and these opinions were entertained to the last by a large, intelligent minority. Even those who had opposed the proceedings taken in the house of commons in the matter of taxation, were not prepared to advocate a total disavowal of the old political relationship. There

always remained with the best of the population this tie of affection and sentiment. In the emergency which had arisen, and which ought not to have been misunderstood, the policy, indispensable to the preservation of peace, was, that the government should act with moderation, but, at the same time, make the fact plain, that observance of the law would be enforced by the strong hand of power. Unhappily no such vindication of authority was experienced; no fixed principles to assure peace and order were observed. The British ministry acted, as if those responsible to the country were unable to appreciate the complications each month becoming more serious. There was an alternation of weakness and the arrogant assertion of parliamentary right, as if a printed act of parliament was potent to calm the passions which had been awakened. In place of the presence of a master mind wisely striving to steer through the threatening storm, all that can be traced in this chaos of mis-government is the influence proceeding from the king's obstinate perseverance in his opinions.

It is now admitted that in the illness of the king in 1765 he disclosed symptoms of that mental weakness which afterwards clouded his life, and in 1788 took such positive form as to necessitate his being placed under restraint. The intensity of feeling of George III. regarding the American provinces may, I think, be ascribed to this misfortune, and must be adduced both as an explanation of, and as an apology if it can be accepted, for the extreme measures which were introduced at his desire. The correspondence of the king shews how he watched every vote in the house of commons, and the extent to which he resisted all opposition to the views he held. It was this assertion of personal government which led to the American cause being advocated by the opposition, as representing a first principle of constitutional liberty. The monarch by the "king's friends" could always attain the advocacy of his wish: the measures he desired to pass were introduced by members, who at the first glance would appear totally disconnected with him. But if the

secret working of those intrigues could have been probed the relationship could have been established.

I have stated that in Burke's speech upon American taxation, in which he narrated the introduction by Charles Townshend of the measures of 1767, it appears plain that he conceived that Townshend acted from powerful influences exercised over him, traceable as proceeding from the king. In these days George the third persevered in this intervention to the last, and never ceased to exercise his personal authority over the policy of the ministry.* However serious the tumult arising from the discontent in America, it was the policy of Great Britain to avoid all passionate legislation, and however irritating the provocation given, no retaliatory enactments should have been countenanced in London. The effort should have been made, to retain the other provinces unconnected with the violence practised in Boston. The abstinence from similar lawlessness would have been a proof, that they did not countenance the pretensions which dictated it. Plainly, riot should have been repressed; but, however firm the hand controlling it, its strength should have been undemonstrative. Above all, no appeal should have been made to invoke provincial feeling, liable to be affected by harshness and petulance. Massachusetts, thus kept apart, must have fallen back on the beaten track of constitutional opposition, or would have remained alone in its defiant violation of law. The agitation of Patrick Henry, in Virginia, was mischievous only in the degree in which circumstances would have made it so. Early in the contest, New York and Pennsylvania were comparatively quiet, although the former rose in strong opposition to the stamp act, and some slight

* Hutchinson has a remarkable passage on this point, in a letter to Flucker, Secretary of Massachusetts, 20th January, 1775. [Diary, I., p. 359.] He wrote:

"I had not a right idea when in America of the state of Adminisⁿ. In matters of such moment the Prime Min [ister] is much less the factotum than I imagined. Such matters [recent measures] come intire [sic] before the Cabinet, the K [ing] himself being more his own Min [ister] than any of his Predecessors have been in the present century."

judicious alleviation of the trade regulations would have satisfied public feeling in both provinces.

Two measures, however, were introduced into the house of commons, which, the more closely they are regarded, the more indefensible they appear: the proposal to revive the obsolete statute of 35th Henry VIII., by which offences committed beyond the seas should be tried in England; and subsequently the Boston port bill which closed the port of that city. These acts, dictated more by a spirit of revenge than by policy, in themselves a senseless exercise of power, did more to unite the provinces in common action than all which otherwise happened. They awoke a spirit which had then not been called forth; the failure to believe in the justice of the mother country. They were accepted as an outrage, and an insult to American sentiment, and insults sink deeper into the mind than injuries. These acts gave countenance to the repeated assertion of the republican party, that Great Britain felt jealous of the prosperity of the provinces, and desired to use their success and well-being for her own advancement, by imposing taxes generally on the community, and by governing arbitrarily. With such a prospect before them, the only safety was in independence. No act could have more promoted the cause of the more violent partizans; and it gave the death-blow to the loyalty and affection of many who had hitherto felt but moderate sympathy with the lawlessness of Massachusetts.

At the meeting of parliament in November, 1768, resolutions were carried in the two houses, approving of the steps taken to maintain the authority of parliament, and declaring their readiness to concur in further measures which might be necessary to sustain it. Motions were also passed censuring the proceedings of the house of assembly of Massachusetts, and of the public meetings held in Boston. Such a reproof was most impolitic. Allusion in this direct form to the lawlessness which had taken place, gave it strength and character. What was needed was its repression, and at the same time an investigation into the causes of discontent,

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accompanied by the benignant determination to remedy what even might be considered a sentimental grievance; and further by the enforcement of law and order, to awaken a healthy state of public feeling, the key-note of which should have been, that the peace could not be broken with impunity. Any mention of the violence which had taken place should have been made incidentally. In the house of lords much bitterness was shewn to the provincial cause; but it reached its climax in the motion of the duke of Bedford, who was the means of an address to the king being carried through both houses, asking that he would cause the fullest information to be obtained regarding the actors concerned in the late outrages, and, if he deemed it expedient would enforce the statute of the 35th Henry VIII., by which, offences committed beyond the seas might be tried in England. It is possible, that in this monstrous proposition nothing more than a threat was meant. Even if this be so, it was as repellent to wisdom as to decency and the national honour. There is no darker stain on the escutcheon of Great Britain during this melancholy quarrel.

Burke immediately saw not only the ill consequences of the measure, but its logical folly. While the enactment would exasperate the Americans, and would be regarded as an attempted wrong to recoil upon those who conceived it, it declared by its provisions, that there was not a jury in the country to be trusted; and, if in a people of two millions there was no party to sustain the authority of the mother country, either the plan of government should be changed, or the colonies be abandoned.

In the house of commons the government was opposed in its policy by an uncertain union of the Rockingham party, and the adherents of Grenville; and the colonists might find some comfort in the pleading of their defenders on their behalf. They were described as a simple people, driven to madness by the unjust imposition of taxes. Those, who were in opposition to the policy of the court, became as it were the constituted defenders of the colonial cause. Thus a party was inau-

gurated in opposition to the ministry, one of the elements of their union being the discontinuance of repression in America, so that the early causes of difference disappeared from view.

It cannot, however, be disputed that the threat of carrying prisoners to England for trial worked its influence during a few weeks in Massachusetts. Seditious writings ceased to appear, and for some short time there was more political quiet. It is a proof what might have been the effect of a strong government acting with firmness. But the feeling of anxiety passed away, as it was understood that the measure was a mere threat, and the old agitation was resumed, embittered by the opposition it had received.

In July, 1769, Chatham took the world by surprise by appearing at the king's levee apparently recovered in health, with his faculties in full vigour. On the 28th of October, he resigned his office. Parliament met the following January, when Chatham was in his place to criticise the address to the throne, and to move an amendment with regard to Wilkes. He dwelt much upon the distractions of the empire, as shewn in the colonies, and spoke powerfully in their favour.

It was the commencement of those remarkable orations, which, during eight years, almost to the hour of his death, were uttered by him in defence of the American revolution; at the same time he asserted the legislative supremacy and constitutional control of the mother country. Two principles appear to have affected Chatham's mind. He gave unhesitating credence to the sentiment of affection for the mother country publicly expressed by the leaders of the colonial cause, and to the reiteration of the sentiment that there was no desire for separation. It was the expression of a policy on the part of the colonial politicians, attended by no inconvenience. Those, most intent on promoting the cause of independence, early learned the value of this pretended loyalty, and never failed to assert that it was strongly felt. Satisfied of the truth of this sentiment, Chatham saw in the advocacy of the colonial cause only a powerful means of counteracting the ills threatening the commonwealth, through

the increased influence of the crown, in the house of commons. In consequence of its preponderance, votes destructive to the liberty of the subject were carried by large majorities, and the ancient constitutional restraint over the policy of ministers was passing away before the strength which the court party had attained.

It may be asked, if at this date, in England, any general real sympathy with the cause of America was felt by the public men who advocated the claim of the colonists to be freed from contributing to their defence. In the first year of the agitation in the provinces themselves, there was by no means a generally settled sentiment on the matter. If Grenville had introduced his stamp act when the Indian wars of 1763-1764 remained undecided, the probability is that it would have been accepted without tumult. Statesmen of all opinions, who had watched the American colonies, saw they possessed every element of prosperity and advancement, and that their continued connection with the mother country would add to its power and importance. There likewise arose a feeling of pride and affection towards these happily constituted communities, as their advancement in prosperity and wealth became better known and understood. However strong this feeling with those who maintained their cause in the house of commons, it is scarcely possible to dissever it from the questions affecting imperial politics, and the important issues raised at home undoubtedly obtained for the cause of the colonists a support, which, under other conditions, might not have been given.

The fact is to some extent traceable in Pitt's celebrated reply to Grenville in 1766. "The gentlemen," he said, "tell us America is obstinate. America is almost in open rebellion. Sir, I rejoice that America has resisted. Three millions of people, so dead to all feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of all the rest." The passage suggests that it was designed as much to apply to home politics as to encourage resistance across the Atlantic. The idea of any organized

opposition to imperial power, on the part of the American provinces, was not at that date entertained by a single person in the house of commons; and there was an indifference as to trans-Atlantic politics, with the great body of the people, which has by no means entirely passed away. When public opinion, even at this date in England, is at all aroused by some extraordinary events happening across the Atlantic, that view of the situation, which is dogmatically and perseveringly enforced, obtains currency, until some painful dilemma establishes its incorrectness, and the truth becomes known. There was not a man in England who thought that armed resistance on the part of the colonists against the crown, was possible, or, should it be madly attempted, that there was the slightest chance of its eventual success. There was consequently by no means perfect restraint in the language used by the public men who took the colonial side. While defending them on this occasion, Pitt defined his own political position; speaking of Grenville's ministry he affirmed "that every capital measure they have taken has been entirely wrong;" but he arbitrarily declined to give his confidence to the Rockingham administration. His failure to act with, and control the government of that day, is one of the points on which posterity will deal hardly with Chatham's memory. Had he come forward on that occasion to assume the leading part in political life, which his genius and fame pointed out, there would have been a different page of history to write.

It was during these difficulties that lord George Sackville's name was restored to the privy council, a proceeding denounced by Pitt as an insult to the memory of George II., he himself declaring that he would never sit at the same board with him.

Lord George Sackville had been cashiered for cowardice at Minden. George II. with his own hand had removed his name from the list of privy councillors. In the history of those unhappy days, the memory of no public man is held at a lower estimate; and it is scarcely possible to use stronger language than such condemnation implies.

Sackville was a younger son of the duke of Dorset: the title expired with his own son. At Minden he was in command of the cavalry, under the hereditary duke of Brunswick. He affected to misunderstand the orders sent him; and at a critical moment in the battle he failed to charge. The duke, not comprehending this hesitation, sent his orders to lord Granby, a soldier of different metal. He at once resolutely led his brigade to the attack. The duty was admirably performed, but the decisive moment had passed away. If Sackville wanted courage, he possessed unlimited arrogance, and the full insolence of rank of that time. On the following day he mixed with the staff at the duke's table. The prince made no outspoken remark regarding his presence, but to the officers near him expressed surprise that he should be there. The general order issued without delay clearly established the prince's opinion of Sackville's conduct. It was there said, that if, by good fortune, lord Granby had been at the head of the cavalry of the right wing, "the decision of that day" would have been "more complete and more brilliant."

Sackville, thus publicly reproved, asked permission to resign his command and to return home. On his arrival he demanded a court-martial. The sentence was, that he had been guilty of disobeying prince Ferdinand's orders, and was pronounced unfit to serve his Majesty in any military capacity whatever.

Family interest always has been, and always will be, all-powerful in every country; and in Sackville's case, joined to the favour and protection of Bute, it brought him to the notice of George III., to become one of the most evil of the king's worst counsellors. He was hereafter known by the name of Germaine, assumed by him on inheriting the fortune of lady Betty Germaine. He was not without ability, but his mind was mean and petty. The insolence of his manners repelled any advance on the part of his subordinates to bring to his notice difficult points requiring adjustment. His vanity was inordinate: he remained one of the private counsellors of the king, especially with regard to American affairs. On the reconstruction of the ministry under lord North, after the duke

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of Granby's resignation, and during the whole war, he was the American secretary. No one brought more trouble on the country, for his hold of office was simply deference to the king's opinion : on this point I shall hereafter have to speak.

In this convulsed condition of politics a writer arose who powerfully attracted public attention ; the more remarkable that at the time he was unknown, and that to this day his identity has not been established as an admitted fact. Two causes may be assigned for the fame of the letters of "Junius," for it is to the writer of them that I allude: the style and care of the text with which he penned his fearless denunciation of men in power, and his determined condemnation of their measures. On the other hand, this invective was accompanied by argument which, to the reader's mind, was often the echo of his own dissatisfaction. Disquietude was felt on all sides and by all classes. The foreign policy of the ministry had ended in humiliation ; in the house of commons the right of election had been violated by the persecution of Wilkes; from the colonies there was reiterated complaint, to all appearance founded upon unappeasable discontent. The ministry had in no one respect realized the hopes which had been invoked by the great name of Chatham. Those only who basked in the favour of the court, and who prospered by the advocacy of its opinions, were in their self-complacency the exception to the general gloom and despondency entertained on all sides. In the dispute with America, Junius advocated the supremacy of parliament,* in the sense in which it was supreme in Great Britain ; and was opposed to the pretensions of the colonists to be relieved from taxation to meet the cost of their defence. He likewise objected to the repeal of the stamp act.

These letters call for mention from the notice which they obtained, and the impetus they gave to political thought. The influence which they exercised over events in America was chiefly owing to the continued attacks upon the ministers who advocated a parliamentary coercive policy, and to the deference expressed for Chatham, the defender of the American

* Letter LIX.

cause. That Junius did not extend to that cause his full sympathy, was lost sight of in his savage depreciation of those most prominent in resisting its demands. These letters may be mentioned as among the first political writings, which fearlessly used the press as the instrument of making discontent known; not simply in the attack of a particular policy, but assailing the character of the public men sustaining it, and having placed on record the protest against the theory, that high political office should be the prerogative of a few titled men, who, provided they possessed the favour of the crown, owed no allegiance to the nation. Junius broke down the barriers which had been raised around this doctrine, as a protection to those who profited by it.

The effect of these letters on the minds of all who received them was shewn in a multitude of forms. They had the greater weight, as the writer knew precisely what he himself desired, and he possessed the art not only of making himself understood, but of impressing his own feelings upon others. Thus it is undeniable that Junius greatly contributed to formation of opinion on the subjects that he brought notice; questions bearing on home politics, which had on, a limited relationship with the outer empire. Nevertheless, from the circumstances I have named, his letters gave to the colonial cause the uncertain support of throwing discredit upon the ministers and many of their supporters, who were looked upon as its opponents, thus indirectly suggesting its righteousness and justice.*

* Junius' first letter appeared in the *Public Advertiser* on the 21st January, 1769, his last letter to lord Mansfield 21st January, 1772. Letter LXIX. to lord Camden is undated, but it was published about that time. There can be little doubt of the correct assignment of the authorship to sir Philip Francis. Those, who are sceptical as to this inference, will have their want of faith removed by the masterly summary of the case by Mr. Lecky, in his eleventh chapter of "England in the eighteenth century." There is an additional argument which I will venture to add as having some weight. Wraxall tells us, Vol. II., p. 88, that George III. in 1772, riding with his equerry, general Desaguliers, remarked: "We know who Junius is; he will write no more." It is admitted that Francis obtained his nomination to the council in India at a salary of £6000 a year through the interest of lord Barrington, one of the most prominent of the "king's

friends," a fact sufficient to prove that it had the weight of the king's authority. What influence had Francis to obtain this appointment? He was not in the house of commons, he was not a pamphleteer who had rendered service to the government; he was not connected with the great families; he had not one powerful patron. He belonged to a family of respectability, the members of which for three generations had been dignitaries of the church in Ireland. His father, the Rev. Philip Francis, is still remembered as the translator of Horace if not of Demosthenes; any influence he possessed was through the Holland family, from having been domestic chaplain to lord Holland. What explanation can be given of the selection for high office of this unknown, unfriendled, young man? Francis was born in 1740; without political connections, with no place in the great world except in a slight degree, in a subordinate position as a secretary. There is no fact of any kind to explain his advancement to the rich prize bestowed upon him, unless under the circumstances suggested by the king's remark. Junius' attacks on Barrington under the signature of "Veteran" are well known. One of his apostrophes is "the Bloody Barrington, that silken, fawning courtier at St. James'." Francis' relations to Barrington were those of a clerk in the war office to the official departmental head; and the reason assigned for Francis' resignation, in 1772, is a difference with lord Barrington, owing to the preference shewn by the latter to Chamier. Francis was absent from England until the end of 1772. In 1773 he received his appointment. No private reason, no sentiment of friendship, is assigned as the motive which led to lord Barrington's interference in his behalf. If the intervention of the king be admitted, the entire mystery disappears; and, so far as I see, it is the only explanation which can be afforded of the favour shewn to Francis. It has always been remarked that the avowal of the authorship of Junius would bring such shame with it, that it would never be made. The theory above given accords with this view. Lord Mahon relates the circumstances [Vol. V., p. 221] imperfectly as a "que traditional story" with evident disbelief. It could not have been unknown to Mr. Lecky, but he makes no allusion to the reported circumstance, as if he declined to give it the weight of his name.

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CHAPTER III.

Pitt's advocacy of the cause of the American revolution undoubtedly greatly aided to give it strength during the period of the dispute, and to a large extent is explanatory of the view ordinarily taken in modern times of the causes which led to it. As a rule we meet in his speeches only condemnation of the policy of the ministry. There is, in truth, little to be proud of at this period of our history, but it is manifestly unjust to perpetuate the accusation of tyranny and wrong-doing against Great Britain, which has so long and so pertinaciously been repeated. The shortcomings of the home government were want of statesmanship, irresolution, failure to consider the causes of dissatisfaction, disregard of the real object kept in prominence by the leaders of the agitation, weakness in sustaining the executive in enforcing law and order, neglect in laying down a comprehensive policy which should have been firmly adhered to; in a word, to use an expression now admitted into political writing, by continually blundering.

Chatham's presence in the house of lords on the 9th of January may be said to have created a revolution in politics; an influence fitfully continued for the succeeding years of his life. Never was his eloquence so powerfully exerted, but, as we read these gloomy bursts of oratory, we ask to what purport were they directed? What was the policy he desired to attain beyond that vague word, conciliation? What was the line of action he countenanced, consonant with his theory of maintaining inviolate the connection between the mother country and the colonies? These questions lead to the inquiry if the statesman of former days, the William Pitt, whose name it is no exaggeration to say had caused Europe to vibrate with the sense of its strength, at this date retained

his full intellectual vigour? If the genius which had advanced his country to the highest pinnacle of greatness still retained its force? His brilliant, heart-stirring, poetically coloured addresses, rarely equalled for pathos and power, were from time to time heard in the house of lords. Is it sacrilege to say they never rise higher than declamation? Nevertheless, it was his words which gave encouragement to the colonists in this revolt; and the deference to his memory shewn in United States histories is attributable to this support of their cause, not to the genius and vigour with which he organized armies, and selected great generals, to relieve the colonies forever from the terrorism of French aggression. He defended even their excesses "as ebullitions of liberty which broke out upon the skin, a sign if not of perfect health, at least of a vigorous constitution," and he described the promoters of agitations, the men who were striving to rend asunder the empire, "as having left their native country and gone in search of freedom in a desert."

When moving his amendment in the house of lords, Chatham received the support of the chancellor Camden. Although remaining a member of the government, Camden declared that he agreed in the opinions expressed by Chatham. Surely, it would have been the proper course to have resigned his position before opposing his colleagues. As a consequence he was dismissed. It was difficult to supply his place. After some days, Yorke was induced to accept the seat. He abandoned his friends at the royal solicitation, and, writhing under the reproaches of his own sensitive mind and the cold looks of his associates, he laid hands on his life. These events caused the downfall of the Grafton government, and the appointment of lord North as first lord of the treasury.

The determination of the American provinces to abstain from importations led to vigorous efforts on the part of those prominently engaged in the trade, who were interested in its re-establishment, in order to assure the adoption of such conciliatory measures as would satisfy the colonial demands. The policy of the Grafton administration was so far deter-

mined by this influence, that, at a cabinet meeting the duke proposed the entire repeal of all duties. Lord North opposed this general proposition, and maintained that tea should be excepted, and the tax retained. That view prevailed, for it was well understood that it was in accordance with the king's wish; indeed it is a fair inference that the policy had arisen with him. At the close of the session, lord Hillsborough addressed a short official circular to the governors of provinces.* He stated, that parliament had approved of the measures taken with regard to America, and had given their assurance of support of the due execution of the laws; that both houses concurred in the opinion, that no steps ought to be taken in any way to derogate from the legislative authority of Great Britain over the colonies; that the design for raising taxes for revenues had never been entertained, and it was the intention during the next session to propose the removal of duties upon glass, paper and colours, upon "consideration of such duties having been laid contrary to the true principles of commerce." As nothing was said of tea, the duty upon it would remain. Some commonplaces were added as to the re-establishment "of that mutual confidence and affection upon which the glory and safety of the British empire depend."

From some unexplained cause, two of the four regiments were removed in the spring from Boston. This reduction of the garrison did not lessen the bad feeling generally entertained towards the troops. Single soldiers in the streets were frequently insulted by offensive epithets, and men off duty often met with personal ill treatment. No class of persons are particularly patient under injuries addressed to them on account of their position; certainly, not the British soldier. The men in the garrison were not backward in acting upon a similar sentiment, and on slight provocation in becoming the assailants. The feeling was however repressed, and discipline preserved; no charge has ever been made against the garrison for irregularities or disorder. From the desire to conciliate

* 13th May, 1769. N.Y. Doc., VIII., p. 164.

the so-called religious feeling of Boston, the troops marched to church with a single fife and drum. At that date the French drum-march* had not been introduced into the service, and even this simple expedient, observed as a matter of discipline to govern the march of the column, was magnified into sabbath desecration.†

In March, 1770, occurred what United States writers still call the "Boston Massacre." The facts of the case are simple in the extreme. There had been a quarrel at a rope-walk where some townspeople attacked a few men off duty. The aggression was on the part of the inhabitants, and, the matter coming to blows, they were badly thrashed by the soldiers, and driven off and pursued. It was an event to excite great anger. Sunday following, nothing was done. On the Monday, towards dusk, a crowd hung about the custom house, on which a guard was placed. The sentry on duty was for some time exposed to the ill-treatment of the mob, who jeered at and insulted him. Finding their violence increasing, and fearing that he would be driven from his post, he gave the alarm by ringing a bell communicating with the main guard. Captain Preston, the officer on duty, hurried to the spot to protect the sentry. On the arrival of the guard, the mob commenced to pelt them with lumps of ice, frozen snow, and pieces of wood lying on the streets, and to threaten them with the heavy sticks which many carried, consequently the guard in self-defence fired. Three of the rioters attacking the soldiers fell dead, two were wounded, one mortally; a consequence solely attributable to the rioters, who commenced the outrage. A meeting of several thousand people took place; and a deputation headed by Adams waited upon the lieutenant-governor Hutchinson, stating that it was absolutely necessary that the

* "Marcher au son de la grosse caisse."

† Maſſères writes on this point, Canadian Freeholder, I., p. 79, that a respectable merchant of Boston, speaking of the troops, had "commended their behaviour during the time they had been quartered there, notwithstanding the abuse which many of the discontented inhabitants of Boston were continually pouring out against them."

troops should be removed from the town and quartered in the castle.

In the first instance, Hutchinson declined to take any steps, being, as he said, without authority to act. Colonel Dalrymple, the officer in command, offered to withdraw one regiment to which the guard belonged ; a concession which removed all ground for refusal to comply, for Adams pointed out that if he could move one, he could move the two regiments. By Hutchinson's account there was great irresolution ; every one appeared desirous of avoiding responsibility. When the matter was brought before the council, the members sided with Hutchinson. Colonel Dalrymple declined to act in opposition to public feeling, unless sustained by those in authority, although perfectly willing to have taken his share of unpopularity and abuse. He signified accordingly to the council that "if they were unanimous in advising the lieutenant governor to desire him [*sic*] to remove the troops he would do it."

On the council meeting in the evening, the members agreed in recommending compliance, for the reason that ten thousand of the people in the neighbouring towns were ready to take up arms. Hutchinson tells us that he remained opposed to the departure of the troops. He communicated, however, the decision of the council to Dalrymple, adding that he himself was without authority to act in such circumstances. Dalrymple felt considerable embarrassment, and shrank from continuing the troops in the city on his own responsibility. They were accordingly marched out and quartered in the castle. The whole proceeding was characterized by weakness and want of judgment ; and unfortunately it happened at a critical period, when firmness and strong determination should have been shewn. The agitators should have been told the truth, as it was afterwards declared to be ; that the quarrel had arisen only from the turbulence of the mob. The real difficulty lay in the want of moral courage in every one concerned. But whatever the error in judgment,

the measure was dictated by the desire of avoiding further dissension and by the hope of preserving peace.*

No feeling of this character was entertained by the republican leaders, and the press representing their opinions. Wood-cuts of the coffins, with the names of the killed, placed in a row, appeared in prominence at the head of the newspaper account, which, in strong language, described the self-defence of the guard as a "massacre," and the men who fired as "murderers."

Every effort was made to excite and pervert public feeling. Preston himself, with the guard, was arrested to be tried by the civil law. As some delay was to intervene before the trial took place, Preston's friends endeavoured to obtain counsel. On all sides the advocates refused to act, either from sympathy, with popular prejudices, or from fear that by taking part in any way with the military, they would be selected as objects of vengeance. John Adams, then a lawyer rising into notice, had the courage to appear for the defence. He was a warm advocate of the opinions of his townsmen, and he risked no little of the estimation in which he was held by his appearance at the trial. The facts of the case were easily proved, and a verdict of "not guilty" was returned. Four judges were present. All concurred in the view of the jury, the senior judge remarking that the evidence had established "the disgrace of every one concerned in the outrage and the shame of the town in general." A verdict of manslaughter was returned against the two soldiers who fired without orders.

The acquittal, however, had little influence upon the aggressive members of the opposite party, who desired to perpetuate bad feeling. The anniversary of this day was long observed as a solemn ceremony. Orations adapted to the purpose were passionately addressed to the listeners as a fit religious exercise, by which the "massacre" was to be ever kept in hostile remembrance. Adams did not escape the

* The diary and letters of Thomas Hutchinson, by Peter Orlando Hutchinson, London, 1883. Vol. I., pp. 79-88.

censures of this extreme clique ; but in a short time he rose entirely above it, and the courage and justice of his conduct gained for him great consideration with his contemporaries, and have obtained for his name respect in history.

These violent proceedings at Boston received but moderate support and countenance in the other provinces. The associations which had been formed against importation had lost much of their influence, and intercourse with the mother country had, to a great extent, returned to its old channels. At home, proceedings were taken to encourage this feeling. Had the public men of that day followed their own impulses, matters might have been accommodated ; but the blight of the court was on public life. There was no means of political advancement but by the king's personal favour, and opposition to his views was certain to prove a barrier to further political distinction. In place of the adoption of comprehensive measures, which would have been the death blow to further successful agitation, a temporising policy only was followed. The bill introduced, although paraded as a panacea for the troubles which suggested it, nevertheless contained a principle, powerful for mischief in the future ; as a lever to reassert the exercise of a right, which the concessions, in an indirect way, professed to remove. This intention is traceable in the proceedings of parliament. Early in 1770, on the day when the brawlers of Boston were shot at the riot begun by themselves, lord North introduced the measure for the repeal of the duties of the several articles enumerated in the circular letter of Hillsborough of the preceding year, with the promise that they would be removed. North described Townshend's act as the cause of the dangerous, violent, and illegal combinations in America formed against the continued use of British manufactures. The act had been petitioned against ; to tax articles of British produce was a violation of all sound policy. The duty upon tea alone remained. The tax was accompanied by the customs regulation, that a drawback of twenty-five per cent on the duty paid on teas imported into England, which amounted to one shilling in the pound, would

be remitted upon teas exported to America, consequently the only tax to be collected was three pence per pound port duty, payable on the arrival of tea in America. Thus teas would be delivered in Boston nine-pence per pound cheaper than had hitherto been the case. North stated that he himself had been desirous of repealing the entire act, but this course could not have been taken without an abandonment of the parliamentary right of taxing the colonies ; a claim he would maintain as long as life lasted. The repeal of the taxes enumerated in no way relaxed the authority of the mother country, and he trusted that the measure would act persuasively upon the colonists to lead them to return to their duty. He thought the combination against the use of British manufactures would pass away. Pownall, who had been governor of Massachusetts, moved that tea should be included in the list of articles freed from duty. He did not in any way enter into the question as to the imperial right of taxation, but advocated the concessions as wise and expedient. Conway and Barré supported him.

The opportunity was one not to be lost by George Grenville. He reverted to the stamp act which he had imposed, on the theory that every portion of the British dominions should aid in sustaining the state. In pursuing this policy he had acted upon system. The ministry which had imposed the taxes in question had likewise acted on system, and by imposing them had restored matters to the condition in which they were, previous to the repeal of that act. He approved neither of the measure nor of the amendment, for neither extended the remedy which was desirable, and he should not vote on the question. Lord North's majority was sixty-two [204 to 142.]

The years 1770 and 1771 passed in America not without discontent and tumult, but in comparative quiet. It is no impossible that the resistance by the guard had its effect in establishing some sobriety of conduct. The memory of the "massacre," as the agitators continued to describe it, was kept vividly active and the anniversary of it observed with extra-

gant disregard of truth. Commerce somewhat revived, but the continuance of the duty upon tea was still urged by the republican party as a national wrong. The great and true cause of discontent was the repression of smuggling.

The restrictions with regard to commerce were undoubtedly severely felt. The colonists could only trade through England, and their manufactures were discouraged to the extent of prohibition. No wool could be profitably manufactured, for exportation was forbidden. Furnaces and iron mills were placed within limits, to make them of small account. Hats could not be sent from one to another colony. Sugar, molasses and rum could be obtained only from the British West India islands. The trade in these products with the French islands was of importance to the provinces of New England, for they sent lumber in exchange for them. There was much exacted, according to the commercial ethics of those times, which would now never be tolerated. The much talked of tyranny of Great Britain towards the colonies was the enforcement of the principle, as it was then understood, that trade should be kept within the limit, by which the mother country, and the provinces were to be mutually benefited, at the expense of foreign nations. That the theory is much modified, is not to say that at that time it did not exist. No accusation is more unfounded than that Great Britain desired to tyrannize over the provinces for the purpose of obtaining revenue; indeed the specification of the grievances endured itself establishes the injustice of the charge. Nevertheless, the two discreditable acts to which I have referred chargeable against parliament, the threatened resuscitation of the obsolete act of Henry VIII. and the Boston port act cannot be explained away. They were as weak as they were vindictive, and bear the impress of revenge, not of statesmanship.

During this period the laws against smuggling were vigorously carried into execution; the duty was entrusted to naval officers who, with the power they possessed, thought little of conciliating those they controlled. Rhode Island was a great sufferer by the observance of this policy, and there was general

dissatisfaction at the enforcement of the law. The "Gaspé," a revenue cutter with a small crew and eight guns, was on the station. United States writers complain of the conduct of the officer in command as unjust and arbitrary; but in the complaints made against him, he was sustained by the admiral as acting as the law prescribed. The probability is, that he was arrogant in his manners while actively carrying out his duty. There had been many altercations; and the chief-justice had pretended, that a naval officer could not act upon his commission without the authority of the governor.

It can easily be understood, that in a population with whom smuggling was a recognised calling, an officer of watchfulness and energy was looked upon as the embodiment of wrong. On the 9th of June, 1772, the "Gaspé," chasing a vessel supposed to be laden with a contraband cargo, ran aground in ascending the narrows of Narragansett bay, about five miles below Providence.* The news of the casualty was brought to the town by the vessel which escaped. The situation of the "Gaspé" was considered a favourable opportunity for revenge on the detested commander. Volunteers were called for by beat of drum for the destruction of the ship. About ten at night eight boats started, containing about two hundred men; the vessel was reached in the struggling light of morning. The party was challenged by the one sentry on duty. Duddington, the commander, hearing the clamour, went upon the deck, half-dressed. On asking who was approaching, he was answered that it was the sheriff come to arrest him, and at the same instant he was deliberately shot by one of the party. Duddington fell to the deck seriously wounded. The party now boarded the vessel. The men who were in the berths were seized and bound. The wounded lieutenant and the seamen were carried ashore to a neighbouring house. The

* I have been furnished with the following information by General Horatio Rogers, of the Supreme Court at Providence. "Gaspé Point is down Narragansett Bay, three miles south of the bounds of the city of Providence, six miles from the great bridge or centre of the city. We usually speak of Gaspé Point as being five miles from town. These distances are in an air line."

"Gaspé" was then burned. The party returned to Providence in broad daylight. Large rewards were offered for the detection of the perpetrators. They were all well known, but remained unmolested. It would have been death to any one to have appeared as a witness against them. Legally, they were unapproachable, and the drama terminated with the flames of the burned vessel. A board was appointed to examine into the matter, but no result was obtained.

Every act emanating from the home government was described by the republican party, as being fraught with mischief. Thus the attempt to make the judges independent of the vote of the assembly was strongly assailed. Fixed salaries were assigned to the judges, and to the attorney and solicitor-general out of the American revenue, by a grant from the crown. Of all measures it was one to command respect, for it was based on the principle of establishing the fair administration of justice; one of the most desirable features in civilized society. It was described as an attempt to pervert law and outrage justice: a new source of tyranny and corruption, now that the home government had failed to coerce the population by military force. The people were earnestly called upon to resist the innovation, which made the judges and the law officers, independent of the popular vote of the legislature.

On the 25th of October, a public meeting was held, when the governor was asked to summon the assembly: a request which he refused. Consequently, a new declaration of rights was issued, in which the authority of the imperial parliament, in any form to legislate for the colonies, was denied. The declaratory act of 1766 was affirmed to be a violation of all colonial rights; the new regulation concerning the payment of the judges was described, as the design to establish a complete system of slavery. The people were exhorted to rise up in their own defence, and with New England eloquence it was declared that the "iron hand of oppression was daily tearing the choicest fruit of the fair tree of liberty."

The assembly met in January, 1773, when Hutchinson, now

governor,* called in question the late proceedings as subversive of the authority of the king and parliament. The council and the house, in their reply in no way abandoned the ground taken by them. Indeed, they affirmed more strongly the opinions that had been expressed. This extreme view, however, was departed from some months later, for on the 29th of June, 1773, an address was sent to the British ministry, modifying these pretensions, with the declaration that the people were true and faithful subjects of his majesty, and that they considered themselves happy in their connection with Great Britain.

Franklin was at this time the provincial agent for Massachusetts in London; he had been chosen in 1771, in place of Dennis de Berdt; he also acted in the same capacity for Pennsylvania, New Jersey and Georgia. Burke was the agent for New York, having been nominated in 1769. It is difficult to form an estimate of Franklin's real opinions during this contest. I think it may be said that he saw little cause for grievance in the stamp act; and that during the vigorous, able government of Pitt, during the last years of George II. he had a sincere admiration for England, and as much love for the mother country, as his unimpressionable nature could feel for any person or any object. He had no sympathy with demagogism. He had no admiration for Samuel Adams, or for Otis in Massachusetts. He disliked the agitation of Wilkes, to the extent of losing sight of the principle involved in his persecution. He had been a warm advocate of the retention of Canada after the war, for he had seen the mischief of French pretension to territory claimed by the provinces, and the ruthless employment of the Indians by the French. From the days of Braddock he had been identified with the contest; but in the house at Philadelphia, he had consulted his popularity, more than his duty, in siding with the majority in refusing, after Braddock's defeat, to take measures for the protection of the frontier against the disas-

* Hutchinson was appointed governor 26th October, 1770, and Andrew Oliver, lieutenant-governor on the same day.

trous incursions of the Indians. He had so acted, because any defensive measures involved the employment of provincial troops, and the expenditure of money. He understood, but in an imperfect way, that the difficulty was really one of trade, and that interference with the importation of the articles required for the New England distilleries, was at the root of Boston dissatisfaction. He was no wiser than his contemporaries in proposing a remedy. The policy he looked to with least approval was help from the French. During the last war, he had taken an active part in political life, and had imbibed the principles and prejudices incident to one who had passed through that experience. He always advocated patience and moderation, and his calm, judicial intellect, repelled all idea of enthusiasm and violence. There was no personal element of discontent that he himself was uncared for. He was postmaster-general for North America, and was held in the highest possible personal esteem in his own province, Pennsylvania. His natural son was the governor of New Jersey, and his philosophical experiments had obtained him a European reputation.

We owe to Franklin's pen the account of the meeting held at Boston on the 20th of November, 1772, at Faneuil hall. It was published in London in 1773, when he was there, and introduced by him in a preface, in which he briefly recapitulated the cause of the discontent. He pointed out that the stamp act first disturbed concord; that the repeal followed to give quietness of feeling, but that the taxes on importations revived the discontent, in consequence of which trading with Britain had been stopped. In the endeavour to conciliate the feeling in America, the taxes had been repealed with the exception of that of tea. "It is supposed," wrote Franklin, "that at least a million of Americans drink tea twice which at the first cost can scarcely be reckoned less than a guinea a head per annum." He proceeded at during the last five years two and a half millions of guineas would have been paid for tea into the coffers of the company, whereas the whole remittance for duties during the previous year was £35.

The proceedings of the meeting of the 20th of November, 1772, proclaim :

1. The natural rights of the colonists as men.
2. Their rights as Christians.
3. The rights of the colonists as subjects.

On this point it is remarked that "it is irreconcileable * * to many fundamental maxims of the common law, common sense and reason that a British house of commons should have a right at pleasure to give and grant the property of colonists." The American continent was 3,000 miles in length, with a breadth unexplored, and with a population of five millions; in a few years the population would be more numerous than that of Great Britain and Ireland.

A list was then given of the infringements and violations of rights.

- 1st. British parliament assumed the power of legislation.
- 2nd. Exerted that assumed power by raising revenue without consent.
- 3rd. A number of officers, unknown in the charters possessed by the province, were appointed to superintend revenues, unknown to the constitution.
- 4th. They were invested with unconstitutional powers, with the right of search for goods, on which duties had not been paid.
- 5th. Fleets and armies had been introduced to support these unconstitutional proceedings and troops quartered in this metropolis [so Boston was called.]
- 6th. Money had been unconstitutionally applied. £1500 was paid to the governor of the province independent of the assembly; judges, the king's attorney and solicitor-general, were to be paid out of this "grievous tribute."
- 7th. Oppressed by instructions sent from Great Britain, the governor had summoned assemblies at inconvenient places. The council were forbidden to meet, unless called together by the governor. Castle William had been given over to troops by whom the streets had been stained with blood barbarously shed. The governor was forbidden to consent to

payment of an agent, to represent grievances at the court of Great Britain, unless the governor consented to his election.

8th. The courts of Vice-Admiralty had been extended, thus doing away with right of trial by jury.

9th. Restraint from erecting slotting mills for manufacture of iron. Restraint laid on manufacture and transportation of hats ; wool could not be carried over a *ferry*.

10th. The act for the better preserving his Majesty's dock-yards, magazines, ships, ammunition, by which offenders can be tried outside the *realm*, was an infringement of right.

11th. "As our ancestors came over to this country that they might not only enjoy their civil, but their religious rights, and particularly desired to be free from the prelates who, in those times, cruelly persecuted all who differed in sentiment from the established church, we cannot see, without concern, the various attempts which have been made, and are now making, to establish an American episcopate. Our episcopal brethren of the colonies do enjoy and rightfully ought ever to enjoy, the free exercise of their religion ; but as an American episcopate is by no means essential to that free exercise of their religion, we cannot help fearing that those who are so warmly contending for such an establishment, have views altogether inconsistent with the universal peaceful enjoyment of our christian privilege, and doing or attempting to do anything which has even the remotest tendency to endanger this enjoyment, is justly looked upon as a great grievance, also an infringement of our rights, which is not barely to exercise, but peaceably and securely to enjoy that liberty, with which CHRIST made us free."

"And we are further of opinion, that no power on earth can justly give either temporal or spiritual jurisdiction within this province, except the great and general court. We think therefore, that every design for establishing the jurisdiction of a bishop in this province is a design, both against our civil and religious right, and we are well informed that the more candid and judicious of our brethren of the church of England, in this and the other colonies, both clergy and laity, conceive of the

establishment of an American episcopate as being both unnecessary and unreasonable."

The 12th clause complained of the frequent alterations of the bounds of colonies; in reality it struck at the proclamation protecting the lands of the Indians. It set forth "that some governors or ministers, or both in conjunction, have pretended to grant in consequence of a mandamus, many thousands of acres of vacant and unappropriated lands near a century past, and rendered valuable by the labours of their present cultivators and their ancestors."

I have given this specification of grievances at length, because it appears to me to cover the whole ground of the discontent, as it was formulated. It shews its character and extent in 1773, when the pamphlet was published in England, with the express design of appealing to the friendly feeling entertained by the supporters of the colonial cause, on which the colonists themselves to a great extent relied. The proceedings were marked by unusual moderation; the influence of Franklin may be traced throughout. At the time he was in London, endeavouring to obtain some legislation which would satisfy the numerous party still clinging to the maintenance of the old connection, and, I think, at this period desirous of succeeding.

Although the duty on tea was the one direct tax which was unrepealed, the trade regulations with regard to sugar remained in force. In 1766 the duty on molasses had been reduced to one penny the gallon. The dissatisfaction was, however, by no means removed, for molasses furnished the distilleries of the New England colonies the means of distilling rum, and its non-importation interfered with the lumber trade from the New England ports.

The collection of the tax upon tea may be regarded as one of the principal causes, which blew into the flame of positive resistance the many smouldering elements of disaffection; that, with all their intensity and strength, had often given promise of passing away. In 1773 the embarrassments of the East India company called for legislative interference.

An immense amount of tea remained in storage, estimated in value at seventeen millions sterling. The law had hitherto exacted that the tea should be sold in England to merchants, and by them exported to America. The company was now permitted to export directly from its own warehouses. The sole tax payable being the port tax of three pence in the pound collected in America, the company's tea was obtainable nine pence cheaper than hitherto, and was freed from the profit which went into the pocket of the trader; at the same time tea of genuine quality was furnished. Viewed from economic considerations, the measure was one of undeniable benefit to the provinces. Politically, a tax of three pence in the pound remained. Notwithstanding this saving in money, in many of the cities this tax was represented as an odious act of tyranny, and was so continually paraded before the people.

The tea trade, coming into operation in this profitable form, seriously interfered with the systematic smuggling which for years had been prosperously followed. According to all accounts it was in smuggling tea from Saint Eustatia that the fortune inherited by John Hancock was obtained, a man rising into prominence as one of the leaders of the extreme party. He was now about thirty-six years of age, with more vanity and ambition than ability. His father and grandfather had been ministers in one of the non-episcopal churches. The uncle, by whose wealth he had been enriched, had been a government contractor; one of the firm which had furnished the vessels for the deportation of the Acadians in 1755. The younger Hancock, in search of distinction, became entirely under the control of Samuel Adams, a character by no means rare; of great strength of will and with an unflinching adherence to the purpose formed. Such persons seldom leave behind them any monument of ability beyond their self-sustained energy; but in their lives they acquire position and influence, especially over younger men.

Samuel Adams, for he must be distinguished from John Adams, had few of the accomplishments and graces of culture,

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and, being little fit to shine in society, avoided it. His life had been one continual failure ; possibly to some extent owing to his ungenial manners, for he hated everything in the form of authority ; especially the representatives of the mother country, and the church of England. It was from his agitation that the desire to be independent of Great Britain principally had its source ; and as no fear was to be entertained of attacks from France, he could find willing auditors to his declaration, that the enterprise and energy of the New Englander should be unfettered by the trade regulations framed in London. In this view he had just grounds for complaint ; but unfortunately, at that date, the remedy was not seen by better men than Adams, who does not appear to have possessed the slightest idea of political economy. He could only discover in the connection with the mother country the weight of the restrictions enforced. The tone of his mind made him incapable of approaching the historical character of the relationship, and the extent to which the connection might have been affirmed by statesmanship, so to have been indissolubly established. He entirely banished from his thought the relief extended to the colonies, by the removal of French rule from the continent by force of arms. Even the service, which Bouquet had rendered a few months previously at the forks of the Muskingum, had passed from his memory. It was his one effort to form a party to act with him, to be freed from all imperial control.

Adams lived simply. In 1772 he was about forty-five.* When the stamp act came into operation, as he was one of the earliest, so he became one of the most virulent writers of that time. He was more or less connected with every form of agitation against the government. In spite of the respect with which United States writers speak of his memory, not a page of his writing has been preserved to bear witness to his ability as a man of letters. His manner was cold, he was without enthusiasm, without sympathy with the higher education, which throws a grace over manners and social intercourse.

* What Balzac calls "l'âge de l'aplomb et de la sécheresse."

With the imperfectly educated community in which he lived, he passed as one having a high order of character ; the main doctrine enforced by him was hostility to the British government. He was an austere supporter of the independent form of worship at Boston, then so narrow and illiberal ; and there are traces in his opinions, communicated to those he endeavoured to impress, of his hatred in common of Anglican bishops and Roman catholics. Had he been listened to, recourse would have been had to arms at an early period of the dispute. During the revolutionary war he was an opponent of Washington, and an enemy to all consideration being shewn to the officers of the army in the field.

His impracticable character would have done much to break up the union, which wiser men effected, and wiser men preserved. He was now in the zenith of his power, unceasing in urging an agitation against the colonial government, in the hope of realizing his aspirations ; the establishment in New England of a religious republic, the laws for the government of which he was incapable of framing. He hoped to see every soldier of the crown driven into the sea. He would have attacked them and destroyed them as they landed, and would have taken his part in the front line of the enterprise.

Politicians of the stamp of Adams saw that if the tea was landed, the tax would be paid by the consignees who had generally been selected as men favourable to Great Britain, and that the tea, from its good quality and its cheapness, would find purchasers ; that once introduced it would become a necessity, and that it would not be possible to oppose its permanent introduction. Thus the tax would be paid, and the principle for which they were contending would be violated. There was one line of policy to be followed, to prevent the tea being landed. There was the greater reason for this forcible proceeding, as, in the southern provinces during the last two years, things had much quieted down, and the prohibition against importation had become relaxed.

The news arrived of the tea-ships being freighted for the colonies ; the consignees were known, and were attacked and

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driven to find refuge in fort William. Hutchinson appealed to the council to take measures to prevent riot on the arrival of the ships. The council refused to interfere. There were troops in Boston, and any attempt at riot could easily have been suppressed. Their aid could have been obtained only by authority of the civil power. The governor could not, without the council, call for their help or even obtain that of the militia ; and for the governor to act on his own responsibility alone, was a pretension to an authority, no one would have assumed. The city was left, therefore, entirely at the mercy of the agitators. The consequence was, on the arrival of the three tea-ships in December, 1773, some fifty men, disguised as Indians, boarded the ships and threw the cargo, three hundred and forty two chests overboard, the value of which was £18,000. As might be expected the news spread like wildfire. The powerless condition of the authorities in other cities suggested the same proceedings. In New York and Philadelphia the ships were refused permission to land their cargoes. In Charlestown a ship arrived in April ; the tea was landed, but it was stored in warehouses from which it never emerged.

The tea outrage at Boston caused great irritation in England. It was plain that it was sustained by the public feeling of the place, for the fifty rioters could have been scattered in a few moments by a company of soldiers, yet no one was to be found, who would give the weight of the civil power to the suppression of the tumult. It seemed as if all authority was paralyzed, and that the act was an entire repudiation of imperial authority. Never was a greater occasion for wise and judicious statesmanship ; if power had to be exercised, it required to be enforced with calmness and determination. The ability of the colonists to resist any military force sent against them never entered into the consideration of ministers, nor did they conceive that any special provision was necessary to make good the right of control over the trade of the colonies, which parliament persevered in affirming. One essential requirement was to

separate the cause of Massachusetts from that of the other provinces, and, not by harsh legislation, to obtain sympathy and support for those engaged in violent outrages against the law, and the destruction of private property. One of two courses was necessary, either to concede the demands of the provinces on the subject of taxation, or to enforce the tax with firmness, without vindictive retribution. There was a large number strongly opposed to the policy of Adams and Hancock, and it was essential that such as these should be actively supported in their adherence to the government. The population of Boston was about 20,000 souls, and it would have been by no means difficult by judicious measures to subdue the agitation. The first duty was to enforce the observance of law, and resolutely suppress every attempt at its violation: a result which should have been attained without the slightest colour of passion or vindictiveness. The measures introduced should have been characterized by forbearance and moderation. Ministers should have made the principle apparent that they had only in view the furtherance of the public good; and that if severity was exercised, it had been called forth in the cause of peace and order. Especially, if grievances did exist, that the worst mode of obtaining their recognition was defiance of the government, and the persecution of those sustaining it.

The policy of the imperial ministers was directly the contrary, and the fact, I believe, may be affiliated to the influence of the king. George III. had thrown his personal feeling into the American contest, as if the violence it had called forth in the provinces had been an attack against his crown and dignity. The proceedings taken in parliament remain a proof how this sentiment operated on legislation. It is, however, proper to state that all classes in the mother country were outraged by the destruction of the tea by the Boston rioters; even the professed friends of the colonies were unable to defend it. The consequence was the introduction of the act known as the Boston port bill. On the ground that commerce could not be safely carried on, and the customs

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duty collected, it was resolved that no ship could load or unload at Boston after the first of June following. It was the forcible shutting up of the port, and transferring the commerce of the city to Salem. The bill passed without opposition. Burke and Johnstone, formerly governor of Florida, being those who alone opposed it.* A bill was also brought in to protect the servants of the crown in cases similar to that of captain Preston, providing that when troops acted in any tumult, in the event of any charges being brought against them for the performance of their duty, they should be tried in England.

In my humble opinion of all the reprehensible proceedings of the British government distinguished by error and want of judgment, which in those unhappy times can be traced from the beginning to the end of the dispute, no two acts are more worthy of condemnation. On their face they plainly bore the marks of vindictiveness and rage, and their authors should have foreseen, that necessarily they would prove inoperative. What was more deplorable, they turned the whole sympathy of the provinces on the side of Massachusetts; and furnished argument to the agitators in other provinces, who acted in union with those of Boston, for their advocacy of the firm defence of popular rights thus arbitrarily assailed. For eight years it had been the topic of their invective; they were now able to assert that matters had reached a climax, which the people had to consider with arms in their hands.

The second act could only be construed into a threat that there was a determination to take vigorous steps to sustain the authority of government; it was the preparation for any evil consequences which might happen through opposition to the law, supplemental to the first act, as if in anticipation of the collision, that might arise from its enforcement.

The Boston port act failed in its purpose in every respect:

* Even Barré and Conway sustained the act. The consequence was that their portraits were removed from Faneuil hall, where they had been placed owing to their advocacy of the provincial cause in parliament.

its only effect was to cause suffering among such of the inhabitants as were dependent on the trade of the city.

The legislature of Virginia appointed the 1st of June, the date when the act was to come into operation, as a day of fasting and of prayer that the divine interposition would avert the calamity of the destruction of their civil rights, and the evils of civil war; that the people would be of one mind in opposing the wrong. The governor dissolved the house. The members assembled in another spot, and drew up a declaration expressing sympathy with Boston. The 1st of June was observed as a day of fast throughout America; subscriptions were entered into for the relief of the Boston population thrown out of employment, and a large quantity of provisions was despatched to the city.

In Massachusetts, meetings were held in every town and county condemning the proceedings of parliament; Salem and Marblehead, the ports expected to prosper by the transfer of the trade of the city, offered the use of their storehouses and wharves for the reception of Boston merchandise. Gage, now the governor of Massachusetts, convoked the assembly at Boston. The meeting of the house was then removed to Salem. One of its first motions was to call upon the governor to name a day of fasting and prayer. A vote was likewise passed, recommending the assembly of a congress of colonial representatives from each province, to take measures to secure their liberty and rights against the design of the British government to destroy the free institutions of America, calling upon all persons to obstruct the proceedings of the government, and to give up intercourse with England till their wrongs were redressed. The assembly was immediately dissolved. Consequently, committees were organized in every district to maintain a correspondence throughout the province, and with the other colonies. The press became more active in advocating union against the oppressor. The clergy, as a rule, were unfailing in acrimony in calling for resistance. Engagements were entered into, to abjure all intercourse with the mother country until the obnoxious act was repealed.

What was of special significance was, the recommendation, that all those failing to act with the dominant party should be specially denounced in the public papers, as objects of vengeance.

Thus, the first consequence of the Boston port act was of the most opposite character to the expectation of its authors.

Had the third act been introduced alone, no one can dispute that it was called for under the circumstances. A handful of men in broad day-light had seized and destroyed a ship's cargo, on the ground that they disputed the principle on which the owners claimed the right to land it. There had been previous disputes, when the threatened consignees had been forced for self-protection to take refuge with the garrison. For years there had been a series of tumults, and no one responsible for order, whose position enforced the duty of maintaining the civil power, had been willing to interfere for the preservation of peace. Boston was ruled by a small number of the population banded together, continually urged to deeds of violence by agitators, desirous of establishing their own opinions, and who shrank from no violence. It was a condition approaching to anarchy; and those suffering from this state of confusion, had a right to the protection of the imperial parliament. Had a preamble, written in severe simplicity, been given as the causes of the act, it would have been self-evident that the new protective legislation was positively demanded, if order was to be maintained. The act bore the title for the better regulating the government of Massachusetts bay. The lower house was left untouched: the changes made were, that the council was to be appointed by the crown. The judges, magistrates, and sheriffs were to be nominated by the governor, removeable by him without reference to the council. The selection of jurors was given to the sheriff; town meetings were prohibited, except for the purposes of election. The appointment of the council was no innovation in the constitution of provincial governments, except in the extremely democratic small province of Rhode Island. Had this act, essential for the preservation of the

peace, been passed as a single measure without the accompanying reprehensible legislation, Massachusetts would have had slight claim on the general sympathy. It was undeniable, that the riotous proceedings of the mob called for greater protection to be given to the sober-minded industrious class of the citizens. There would have been no cause for the remaining provinces to range themselves on the side of a turbulent city, which permitted outrages on property in noon-day to remain unchastised. Any such feeling was, however, destroyed by the provisions of the Boston port act, which called forth in all directions the most bitter animosity against the government.

The Quebec act was assented to on the last day of the session. The history of this act I have given in the previous book.

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CHAPTER IV.

In 1773 the publication of the Whately-Hutchinson letters took place, important from the influence which it exercised in directing Franklin's ability to the side of the extreme republican party, causing him to abandon the moderation he had hitherto professed and outwardly practised; they consequently cannot be permitted to pass without notice. In 1772 Mr. Thomas Whately died; he had been a member of parliament on the side of the opposition; he previously acted as a secretary to the treasury during the administration of George Grenville, and was afterwards one of the lords of trade. For the last ten years of his life, when living in private without any official position, he had carried on a correspondence with Hutchinson, Oliver, then lieutenant-governor, Paxton, and other public men in Boston, opposed to the popular pretensions. The letters were strictly private, written by friends having confidence in each other, and interchanging their views of passing events in perfect frankness; many having been dated before the appointment of Hutchinson as governor. The latter had dwelt on the agitation of the popular leaders in Boston, and its impression upon the people, exciting them to regard any legislation by the house of commons, as treason to the constitution. He had pointed out the weakness of the executive to contend against any ebullition of feeling, and had expressed the opinion that a strong military force was indispensable to the protection of authority. The letters advocated the continuance of the connection with the mother country, even at the expense of establishing some restraint upon the liberty, which had prevailed under the extremely democratic constitution of Massachusetts. Oliver wrote in the same spirit.

These letters were placed in Franklin's hands, and it has

never been explained whence he procured them. It was plain at the time, as it is to-day, that unless the means by which they came into his possession be satisfactorily established, the letters must have been unfairly obtained. Franklin could not fail to have seen the private character of the correspondence, and that its publication would prove of great injury to the writers in the community in which they lived, and would inevitably introduce into the contest new features of bitterness and rancour. But Franklin never understood what delicacy even meant. His interest placed on one side, and the course which personal honour dictated on the other, there was never any hesitation on his part to follow the former. His leading teaching was success in life by thrift, industry and prudence, by honesty, if possible ; his whole career furnished the proof how he could abandon his theories, when expediency and circumstances so exacted.

Franklin's conduct in sending the letters to Boston, established the meanness of spirit of which he could be guilty. He knew well what would happen when they were received in America ; that they would be seized upon by the republican party as justifying its opposition to the authorities, and that the disclosure of the opinions expressed in this private correspondence could be made highly serviceable by its leaders. He affected to protect the writers by appending the condition that, the letters should be shewn to the leading men, but not copied or printed, and that, then they should be returned to him. The insincerity of this limitation is plain on the surface. Had Franklin meant fairly, he would have himself made excerpts, and have acted upon the information which he had himself learned, without betrayal of the writers by name.

The letters were sent to Cushing, speaker of the Massachusetts assembly, and were shown to all on his side of politics. They were finally brought to the notice of the assembly, and there discussed as the disclosure of a plot to subvert the constitution. A vote was carried that the king should be petitioned for the removal from their positions of Hutchinson and Oliver, the governor and lieutenant-governor.

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The existence of the letters thus became a matter of notoriety. The difficulty in the further diffusion of them lay in the fact of the engagement that they should not be printed or copied. Under the dishonest and false pretence that other copies had been received, they were printed and distributed among the other provinces. Writers have endeavoured to explain away the proceeding : they entirely fail to do so, and it can only be related in the language used.

The petition was sent to Franklin, and forwarded by him to lord Dartmouth for presentation, on the 23rd of August, 1773. His letter was in accordance with the constant declaration of loyalty to the commonwealth, made in England to the last moment before the appeal to arms, "that a sincere disposition prevails in the people to be on good terms with the mother country, that the assembly have declared their desire only to be put into the situation they were in before the stamp act. *They aim at no novelties, [sic]* and it is said that having discovered, as they think, the authors of their grievances to be some of their own people, their resentment against Britain is thence much abated."

It is proper to bear in mind that this letter was written some months before Franklin publicly accepted the responsibility of having sent the correspondence to America. The printed letters reached England, to cause in political circles much surprise and to create much painful feeling. William Whately, brother of the deceased, his executor, naturally was greatly grieved and troubled by the publication, and dreaded that he would be held responsible for a dishonourable breach of trust. His suspicions were directed to a Mr. John Temple, then in London, who had been surveyor-general of the customs in Boston. Temple had married the daughter of a Dr. Bowdoin, of Boston, of a Huguenot family, who early inherited a large fortune, described even as the largest known at that date. Bowdoin had devoted himself to scientific pursuits, had also taken part in the political troubles, and had accepted the opinions of Samuel Adams, with whom he had formed close relations. Temple was accredited with sympa-

thizing with this party; his relationship to Bowdoin shews that he was not entirely beyond their influence. He had been dismissed from his office, and he looked upon Hutchinson as having been the cause of his removal. Whately felt himself so compromised as a man of honour, that he published a letter in the *Public Advertiser*, 11th December, 1782, stating that Temple, almost unknown to him, had applied for permission to refer to these letters, and that he had placed several parcels in his hands. He had called upon him, therefore, for some explanation, and Temple had assured him, with regard to the letters in question, "that he had not taken a single letter or an extract" from any single one. Several letters appeared in the papers of the time, in which Temple considered himself attacked, and, to clear his character, he challenged Whately. By the code of honour of the day, he had in reality no ground of offence against Whately; and, as it has been described, unable to remove the suspicion which had fallen upon him, he picked a quarrel with Whately. The act can only be looked upon as the desperate attempt of a bully, to redeem the stain upon his character.

The duel took place in Hyde Park on December 11th, 1773. Both parties published their account of it. It was conducted in an unusual and extraordinary manner, without seconds. Had either been killed, the probability is that the survivor would have been tried for murder. Whately was wounded by a thrust in the left side: the whole proceeding is inexplicable. It appears plain, that both were utterly without experience with the sword, the weapon used. The duel in no way assisted Mr. Temple, for the belief in his complicity remained, and he was accused of infamous conduct in inflicting the wound, when his adversary had fallen to the ground.

The affair created such attention that Franklin felt that he could no longer be silent, and on the 25th of December he addressed a letter to the *Craftsman*, which appeared on the 1st of January, 1, 4. He stated that he wrote on account of the duel concerning a transaction in which "both of them are totally ignorant and innocent." To prevent further mischief

he declared that he alone was the person who obtained and transmitted the letters. They had come into his possession and had never been among the papers of the deceased, which passed into the hands of his brother, so it was impossible for Temple to have taken them. He denied that they were *private* letters; they were intended to procure public measures, and their tendency was to incense the mother country against the colonies, and to widen the breach. The student of the history of those days will soon learn how little reliance can be placed on any statement made by Franklin. This explanation of his must go for what it is worth. Whether the papers were surreptitiously or accidentally obtained, and whoever abstracted or discovered them, Franklin knew that it was information that he was not justified in making public. But he was one never to want a reason for anything he did; indeed a dilemma of this character was precisely one which his astute mind could meet by artifice. He argued that he had simply done his duty: as agent for the province, this important matter came to his notice, and he was bound to communicate it, dwelling upon his virtuous desire to heal the breach, by shewing that coercive measures were suggested from the other side of the Atlantic. Turn or twist the explanation as modern writers may, the fact remains, the letters were dishonestly obtained, and malignantly sent to Boston to cause mischief and discord.*

* The narrative concerning the abstraction of these letters is given in full by Mr. Peter Orlando Hutchinson in the *Diary and Letters of Thomas Hutchinson, 1883.* [Vol. I, pp. 81-93.] It is plain by the journal of governor Hutchinson that he considered they were purloined by Temple, although he does not expressly say so. On July 16th, 1774, he writes in his journal: "Never met with greater civility than from Lord Suffolk. Before dinner he asked if I knew how Dr. F. came by the letters? I said I knew nothing but from the letter he published. 'We know,' says his Lordship, 'that *act* is not true.' 'Have you got certain evidence, my Lord?' Yes, we have certain evidence it is not true; and we know where he had the letters." Again on August the 3rd: "Lord Suffolk treated me with singular courtesy. I told him of T.'s (Temple's) desire to see me. He said he saw no objection, but mentioned again in confidence that they knew he took the letters from 'the present Mr. Whately.' The King even noticed the matter in the interview with Hutchinson on his arrival in London. "Nothing could be more cruel," he said, "than the treatment you met in betraying your

On the arrival of the petition for the removal of Hutchinson and Oliver, it was referred to a meeting of the privy council. The first meeting was held on the 17th of January, 1774. Franklin was examined. Wedderburn, representing Hutchinson and Oliver, admitted the genuineness of the letters, but reserved the right to enquire how they were obtained. Franklin was unrepresented by counsel; he had thought, he said, that it was a matter of politics, not of law. Manduit, on the part of the governor and lieutenant-governor of Massachusetts, claimed that they should be heard on the unjust accusations against them. The court accepted this view, and Franklin was allowed the time he asked, three weeks, to obtain counsel. The proceedings were adjourned until the 29th of January, 1774.

On that day the privy council met: the proceedings were open to the public. Many distinguished men were present, among others Burke, and Jeremy Bentham, then a young man of twenty-six. Franklin himself attended. Dunning and Lee addressed the council on the part of the province in support of the petition. The solicitor-general Wedderburn replied. His passionate abuse of Franklin formed the main part of his argument. Then occurred a remarkable scene, when the members of the council, forgetting their judicial position, entered into all this vituperation, laughing, nodding approval of this polished attack, becoming indecent partisans in the dispute which they were summoned judicially to determine. Lord North was the one exception of composure and decorum. The council voted that the petition should be dismissed as groundless, vexatious, and scandalous. On the 7th of February the king confirmed the report, and Franklin was dismissed from his position as postmaster-general.

The whole scene partook of the bad spirit of political life

private letters." Mr. Peter Hutchinson quotes approvingly the remark of Mr. C. F. Adams in the life of his grandfather, President John Adams [Vol. II., p. 319] "Scarcely a doubt can remain that Sir John Temple (he eventually succeeded to a baronetcy) was the man who procured the Hutchinson letters and had them delivered to Franklin."

which at this period was so unmistakably manifested towards every opponent of the court, and which exercised so disastrous an influence on the policy of the empire.

The conduct of the members of the privy council was doubtless conceived with a view to the discomfiture of Franklin. He listened to the attack with the impossibility he could assume, and if the obloquy poured forth against him caused the least discomfiture in his mind, there was no sign of the fact. Whatever the misconduct of Franklin in the circumstance, the extravagance of the conduct of the placemen at the council turned public sympathy in his favour. In America the insults were regarded as directed against the provinces. Franklin's power became intensified by this persecution. Even in England, the men prepared to blame him for his dishonourable conduct could not withhold their condemnation of the bitterness of Wedderburn's attack. From that hour it may be said that Franklin became the determined opponent of reconciliation with the mother country, however carefully he concealed his opinion. Although Franklin listened passively to Wedderburn's invective, he must have acutely felt what was urged against him, for he subsequently took an oath in chancery "that at the time that he transmitted the letters he was ignorant of the party to whom they had been addressed, having himself received them from a third person and for the express purpose of being conveyed to America." *

* The words of Benjamin Franklin, LL.D. Longman, no date, Vol. III., p. 331.

The following is the passage from Wedderburn's address containing his accusation against Franklin: "The letters could not have come to Dr. Franklin by fair means. The writers did not give them to him nor did the deceased correspondent, who, from our intimacy, would otherwise have told me of it: nothing then will exonerate Dr. Franklin of the charge of obtaining them by fraudulent or corrupt means, for the most malignant of purposes, unless he stole them from the person who stole them. This argument is irrefragable."

"I hope, my lords, you will mark (and brand) the man for the honour of this country, of Europe, and of mankind. Private correspondence has hitherto been held sacred in times of the greatest party rage, not only in politics but religion." "He has forfeited all respect of societies and of men. Into what companies will he hereafter go with an unembarrassed face, or the honest intrepidity of virtue. Men will watch him with a jealous eye; they will hide their papers from him and

In order that there should be no misunderstanding with regard to the determined attitude which Great Britain had assumed, in the enforcement of the parliamentary right of imposing taxes for the support of the colonial government, it was resolved to replace the civil governor of Massachusetts by an officer holding military command. General Gage, commanding in chief the troops in America, was nominated to the office. He was a man of unblemished personal character, of pure honour and great amiability. The second son of viscount Gage, he had early joined the army, and had been engaged in high command in America for twenty years. He was present at Braddock's defeat as colonel of the 44th regiment. I have related his successful government of Montreal, and his appointment to the command of the forces in North America, on the retirement of Amherst.* He had married in New York Margaret, the daughter of Peter Kemble, the president of the council of New Jersey. He was at this date nearly sixty years of age. In the best days of his youth and strength he had not been remarkable for energy and enterprise. He was now placed in a most difficult position, in

lock up their escritoirs. He will henceforth esteem it a libel to be called a man of letters, homo trium + literarum."

As I shall have no occasion again to allude to Franklin in connection with the events of this date I append his letter to Mr. Strachan, with whom he had lived in the most friendly relations, unaffected by any personal quarrel or misunderstanding, written within eighteen months of the scene at the council. It was Mr. Strachan who in 1769 published "Queries to Dr. Franklin about his disputes in North America," establishing the intimate connection between the two men. The letter was as follows :

"Philadelphia, July 5, 1775.

"Mr. Strachan :

You are a member of that parliament and have formed a part of that majority which has condemned my native country to destruction.

You have begun to burn our towns and to destroy their inhabitants !

Look at your hands ! they are stained with the blood of your relations and your acquaintances.

You and I were long friends ; you are at present my enemy and I am yours.

B. Franklin."

† *i.e.*, Fur (or thief.)

* *Ante*, Vol. IV., pp. 440-44.

which vigour of action, tempered by forbearance and prudence, was indispensable for the successful performance of duty. The circumstances called for a man, fertile in expedients, undaunted in resolution and secure of support at home. Gage's conduct was vacillating, injudicious, totally wanting in that calm determination by which great generals are able to shape events, under the most unfavourable circumstances.

The greatest tumult prevailed throughout Massachusetts. Violence was practised in all directions; those known to be attached to the mother country became victims of persecution; many were tarred and feathered; every obstruction was offered to the government. The greatest difficulty, against which Gage had to contend, was the almost universal bitterness of feeling called forth by the Boston port act. He was unable to complete his council under the new law; he could prevail on few to act, and those who accepted the position were forced to resign, by the pressure of opinion, and the fear of personal violence. Had the one act, remodelling the constitution, alone been passed, the probability is that there would have been no immediate violent demonstrations against it, at least none that defied control. The mob rule, which had gained such remorseless power, must have been displeasing to many, who sided with the defenders of what were described as provincial rights. Tarring and feathering, shooting bullets through houses and inflicting personal injuries are dangerous adjuncts to liberty. It was a different consideration with regard to the closing of the port, for it took away from many the means of living. The city was dependent for its existence upon its commerce; and the suppression of the trade, by which the large number of the people gained their daily bread, was to introduce want into many a household: so that numbers, who might otherwise have been quiescent, took an active part against the government from a sense of their own wrongs and privations. It was against this powerful sentiment of savage discontent that Gage had to combat; and, at the same time, he was made to feel that the main line of public opinion was adverse to him as representative of a rule of force.

Gage arrived at Boston on the 13th of May and was courteously received. In a few days he summoned the legislation for the election of councillors: on the names of twenty-eight being presented to him, he rejected thirteen. The legislation was then adjourned to meet at Salem. The address voted on the re-assembly contained such offensive criticisms on the policy of his two predecessors, that he would not listen further to it. Votes were passed in the house, recommending patience, calling upon the inhabitants of the county districts to assist the distressed people of Boston. The discontinuance of the use of all British importations, subject to duty, was advocated. The governor was requested to appoint a day for a general fast; as he declined to do so, the members themselves named the date. A resolution was carried, calling for a meeting of the several colonies to consult upon the condition of the country, to take measures for the recovery and re-establishment of their just rights and liberties, civil and religious, "and the restoration of union and harmony between Great Britain and America, which is most ardently desired by all good men."

Gage, learning what was taking place, sent his secretary to dissolve the assembly, but he found the door closed and locked, and his messenger had to read the proclamation on the door step.

A public meeting held at Boston on June the 8th adopted the non-importation agreement; it received the name of a "solemn league and covenant," to come into operation on the 1st of October. This example was followed by the different towns, and not only in New England but in other provinces; the cause of Massachusetts was embraced in all directions. The opinions which were expressed at Boston were generally entertained throughout Massachusetts, and unflinchingly acted upon. Gage prohibited all such meetings as seditious. They were nevertheless continued, and the government denounced for its interference.

There was so evident an intention to abandon mere verbal protest for an armed resistance to authority, that early in

September Gage sent a party to Charlestown to take possession of some powder which had been stored there, the property of the province. This proceeding was followed by a convention held at Milton, in the county of Suffolk, in which the city of Boston is situated. It was there resolved that "no obedience was due to either, or any part of the recent acts of parliament," and the recommendation was voted that all taxes should be paid into the hands of congress.

The antagonism was now so openly expressed, that, in August, 1774, Gage took steps to fortify, by intrenchment, the narrow neck which connects Boston with the main land. In itself it was an assertion of armed force, and could be regarded, in a minor degree, as a declaration of war against the agitation which was unceasingly threatening the rule he represented. If the act had been followed up by vigorous measures in the employment of troops under his command, it might have exercised great influence in repressing the excitement of political feeling. By the loyalists, who were able to seek safety within its limits, Boston was called "the city of refuge," and a large number of this class flocked within its precincts. But there was a considerable number holding these opinions, whose narrow means denied them this resource, who had patiently to remain where they were dwelling, forced to suppress their opinions from the fear of personal violence, and who were too isolated and unorganized to attempt any act of self-assertion. Gage proved entirely unequal to the discharge of his difficult duty. He totally misunderstood the strength of the force hourly increasing, against which he might have foreseen he would so soon have to contend. The only explanation possible for his inactivity is, that he allowed himself to be duped into the belief that the violent discontent would pass away, and that he hesitated to take any false step to complicate the situation. When action was forced upon him, his conduct was weak in the extreme, shewing his unfortunate misconception of the resistance he would experience. In no way did he contemplate the loss and discredit which would fall upon the force under his command, and the extent

his own character would be assailed for weakness and want of judgment.

The continental congress met at Philadelphia on the 1st of September, 1774. The proceedings which took place are so well known a passage of history, that they require but slight notice in these pages.

Four declaratory acts were issued; a letter to general Gage enumerating the colonial rights and grievances; a petition to the king: an address to the people of Great Britain: and an address to the people of Canada. The history of the latter I have already given.

The threatening character of these proceedings was without any influence upon the force in garrison in Boston. The winter passed away as if no unusual movement in the colonies was taking place. But towards the end of January, Gage commenced to mistrust that the agitation was not the perfectly peaceable demonstration he had imagined. Owing to information he received, early in February, 1775, he endeavoured to seize some cannon in the neighbourhood of Salem. The force marched towards Danvers, the cannon, however, could not be found: a collision nearly took place as the troops on their return were proceeding to cross a bridge; they were finally allowed to pass without interference.

On April the 19th, 1775, the affair at Lexington took place; it proved to be the commencement of the revolutionary war. The object of the expedition despatched from Boston was to destroy some stores and warlike material collected at Concord. Gage had, in his own view, kept his intentions perfectly secret, but the facts were known before the column left Boston.*

* "General Gage on the evening of the 18th of April told Lord Percy that he intended to send a detachment to seize the stores at Concord and to give the command to Colonel Smith, who knew that he was to go out, not where. He meant it to be a secret expedition, and begged of Lord Percy to keep it a profound secret. As this nobleman was passing from the general's quarters home to his own, perceiving eight or ten men conversing together on the common, he made up to them, when one of the men said: 'The British troops have marched, but they will miss their aim.' 'What aim?' said Lord Percy. 'Why,' the man replied,

The troops at 5 o'clock on the evening of the 18th, ascended Charles river to Phipp's farm.

The column, under the command of lieutenant-colonel Smith of the 10th foot, consisted of sixteen companies of the garrison, and some marines. At daybreak, a detachment under the orders of major Pitcairn of the marines, was sent forward to secure the bridge. Between four and five in the morning the troops reached Lexington, a small village about fifteen miles from Boston; at this spot, about seventy men under arms were drawn up on parade. Pitcairn called upon them to disperse. The provincials retired, and as they withdrew shots were fired. In events of this kind there is always a disagreement of narrative. According to United States writers, the belief was entertained that the object of the expedition was the arrest of Samuel Adams and Hancock who lived in the neighbourhood, and that, on the order to disperse not being immediately obeyed, the troops were ordered to fire, and eight of the inhabitants were killed and several wounded. On the other hand, Smith, the officer in command, in his official report declared that shots were fired upon the troops from behind a stone wall and the neighbouring houses, by which Pitcairn's horse was wounded and one man killed, and that the men only fired in self-defence. The force gathered at Lexington was dispersed by the volley, and the troops marched onwards to Concord, some few miles farther. They found that the greater part of the stores had been removed; but they spiked three cannon and threw them into the river, with five hundred pounds of ball, and sixty barrels of flour. Having fulfilled their commission, the troops prepared to return. Smith relates there were but few inhabitants in the town, that he took pains to explain to those he met the reason of his presence, and to assure them that he meant no personal

"the cannon at Concord." Lord Percy immediately returned on his steps and acquainted General Gage, not without marks of surprise and disapprobation, of what he had just heard. The general said that his confidence had been betrayed, for that he had communicated his design to one person only besides his lordship."

[Stedman, I., p. 119.]

harm to any one; that his duty was simply to destroy military stores. The persons he met were however "sulky."

On the return march of the column from Concord, the attack upon the troops commenced by a large body of men, firing upon them under cover of walls and trees. The troops were excessively fatigued; they were fully accoutred with ammunition, knapsacks, and their haversacks of provisions, and had been on duty the preceding night since five o'clock. The provincials made no attempt to attack them, but pertinaciously followed up the column as it marched along the road with a dropping fire from protected spots on the roadside; from the bush and buildings. The attacking party would rarely be seen. Smith's duty was plain. As he saw that he was subjected to this continuous fire the whole length of the road, he should have understood that it was no child's play. He should have halted and fed his men, have obtained carts, removed the knapsacks and haversacks and loaded the carts with them, and have sent out in skirmishing order, on either side of the road, strong parties to meet the attack as it was made. He should have seized the inmates of the first house from which a shot was fired, and sent some of them along the line of his march, retaining the others as prisoners, with the expression of his determination that on a single shot fired from any house he would burn it. There would have been little call for him to have made his threat good. Had this obvious course been followed, it would not have then been so easy a matter as it proved to be on the part of the provincials to distress the force. The wearied men marched over their five miles, harassed by this galling fire until they reached Lexington.

Lord Percy was met on this spot with nine hundred men, sent by Gage as a reserve, with two pieces of cannon. Percy formed a hollow square, and the men, worn out with fatigue, their tongues literally hanging out of their mouths from prostration,* lay on the ground to regain strength. The guns kept off any attacks of the minute men on Percy's position.

* Stedman.

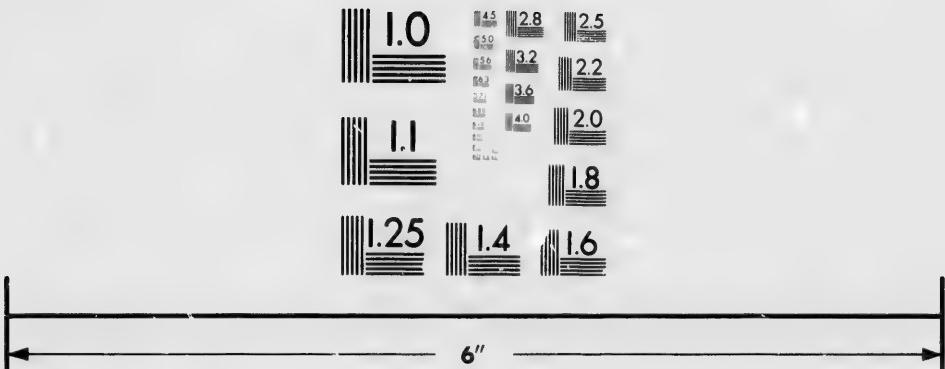
His flanking parties protected them on their return: had Smith taken this course his casualties would have called for no mention, and in all probability the attack would have been discontinued; whereas he had sixty-five killed and one hundred and eighty wounded; twenty-eight were reported as missing. The latter were doubtless deserters, the provincials constantly endeavouring to lead the men to abandon their colours. The loss of the provincials did not exceed ninety, and it is a wonder that it reached that number, for they kept themselves unexposed.

The news of the revolt spread like wild-fire. The event was represented as a defeat; that the troops had been driven back to Boston. It was on all sides regarded as the first act of resistance, and troops from all quarters commenced to assemble at Cambridge, in the neighbourhood of Boston, to support the cause. The Massachusetts congress resolved that 30,000 men should be raised. As from time to time they were gathered together, they were sent forward. In this emergency Gage remained entirely passive; his force was shut up within the city of Boston, having difficulty in obtaining the ordinary necessary provisions. He took no active measures of any kind. His only proceeding was to issue an absurd proclamation, promising pardon to all who would lay down their arms, excepting Adams and Hancock.

Colden, the lieutenant-governor, reported to lord Dartmouth the feeling in New York, when the news was known.* For some time past there had been no means of supporting authority; the only force available was one hundred men of the royal Irish regiment, and the sloop of war "Fisher." They were quartered in open barracks. Lord Dunmore, during the short time he had been in New York, had dismantled the fort and converted it into stables; thus the troops were left thoroughly exposed to the attack of an armed mob. There had been repeated riots in the city, and attempts had been made to prevent the stores for the troops at Boston being loaded on the transports. The friends of the government

* N.Y. Doc., VIII., p. 571, 3rd May, 1775

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were entirely without protection for their persons and property. The news of the affair at Lexington was "published with horrid and aggravating circumstances." Public meetings were held in disorder and violence, during which those present became pledged to resist the acts of parliament: the authority of the government was laid perfectly prostrate. Before the end of the month, a provincial congress of the province of New York, composed of one hundred members, was in session, the object of which was to raise money to resist the king's forces, and erect fortifications to oppose the march of an army. A proposal, not one to gladden the commercial class, was made to issue a paper currency. The agitation was principally confined to the city. Colden wrote, "the people would be very glad to remain quiet, but indefatigable pains are being taken to bring the whole province into one plan of measures."*

At the end of May the "Asia," ship of war, came into port. She had been expected early in April, and had she been present a few weeks earlier, when the news of the affair of the 19th of April was received, it is possible she would have exercised a restraining influence. Had a force of any strength been available in New York, to sustain the friends of government, the defiance of all authority might have been prevented. On the arrival of the "Asia," the unprotected condition of the troops suggested their transfer to the ship, but a difficulty arose, owing to the number of women and children, and in the delay several of the men deserted. It was resolved to transfer the women and children to Governor's island. As the troops marched to embark, they were harangued by the mob, and called upon to desert. Two or three did leave the ranks with arms in their hands, and were protected by the people, and could not be arrested. The baggage following the company was seized and opened, and the spare arms and ammunition taken out.

The New York association sent an address to Colden, specifying their grievances. It is written in the language of

* N.Y. Doc., VIII., p. 580.

that day; one paragraph declares,* "That they regard the hostile blockade of the Port of Boston, the attack upon the venerable Charter Rights of Massachusetts, the extension of the Bounds of Quebec, the establishment of Popery, and an arbitrary form of Government in that Province, and the exclusive Privileges virtually given to it in the Indian Trade; as so many Steps of an ill-judging administration that most eminently endanger the liberty and prosperity of the whole Empire."

The appointment of a military governor of Massachusetts was followed up by the despatch of several regiments to America. Three generals in command accompanied them; they were all members of parliament. It is easy to conceive why a general of character and intelligence, a man of family and property, should be selected to represent his county in parliament. It does not so readily suggest itself, why members of parliament should be considered the most eligible for service in the field, or afloat. It was a part of the dreary system of that day. The three generals selected had all seats in the house, so had Cornwallis and Grant, the latter, a forgotten name of which, at the proper time, I shall have more to say.

Chatham's retirement did not immediately lead to the resignation of the duke of Grafton. Lord North, however, continued to be head of the government, possessing the full favour and confidence of the king. In August, 1775, Grafton wrote to North, urging conciliation with America. The letter remained unanswered for seven weeks, until the 20th of October, 1775; when North replied, by enclosing him a copy of the royal speech. Its purport was the recommendation to use every force to reduce the colonies, North himself adding that he feared "that declaring a cessation of arms at this time would establish that independence, which the leaders of the faction in America have always advocated." Grafton immediately resigned; in his audience with the king he declared that the ministers were deluding him and themselves. It was

* N.Y. Doc., VIII., p. 584.

on this occasion that the king told Grafton that the forces would be joined by a large body of German troops.

The retirement of the duke of Grafton was followed by other changes in the ministry: lord Dartmouth was replaced by lord George Germaine, and lord Rochford by lord Weymouth. Germaine was sixty years old when he assumed office; he came into power by the express favour of the king. No firmer supporter of the royal opinions, whatever they might be, was to be found among the most servile of the king's friends. In the cabinet he was the advocate of extreme measures against the provinces, as if to retrieve the want of courage he had shewn in the field. His treatment of every American question was marked by the most uncompromising insolence; insolence he carried into every branch of duty he controlled. His haughty interference in the events of the war, which exercised control over operations three thousand miles away, invariably led to disaster; and in his place in the house of commons, his offensive manner was but a poor protection against the justice of the reproaches with which he was assailed. He may be held to a great extent responsible for the failure of Burgoyne's campaign in 1777, as I will clearly establish in the narrative of the event, by the control he exercised on the acceptance of Burgoyne's plan; the diversion of the force of St. Leger to the Mowhawk; his cumbersome orders as to its conduct; the gross injustice to Carleton in displacing him from the command; above all, by his failure to give the necessary orders to Howe or to Clinton, to advance from New York, so that Burgoyne received neither aid nor co-operation: that unfortunate general indeed had his own bad generalship to answer for. All this, joined to the pertinacity with which Germaine, for a long period, by his personal influence, impeded parliamentary enquiry into the campaign, furnishes a volume of condemnation on his memory, which it is impossible to nullify, and for which scarcely a parallel in history can be found.*

* One of the most cutting things ever said to Germaine was by Burgoyne in 1781, a few months previous to his resignation: "These observations might be

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called military remarks," said Burgoyne, "but let the house remember that they are addressed to a military secretary of state. The country has not forgotten he *was* a soldier, the country feels that he is a councillor."

Germaine resigned office in February, 1782, when he was raised to the peerage as viscount Sackville. There is an account of the interview between George III. and Germaine on this occasion, which establishes the astonishing insolence of the man's character. Wraxall writes : "The particulars attending the elevation . . . I received on the same day when they took place from Lord George's own mouth. . . . After regretting the unfortunate events that had dictated the measure and thanking Lord George for his services, His Majesty added : 'Is there anything that I can do to express my sense of them which can be agreeable to you?'" "Sir," answered he, "if your majesty is pleased to raise me to the dignity of the peerage it will form at once the best reward to which I can aspire, and the best proof of your approbation of my past exertions in your affairs." "By all means," said the king, "I think it very proper and shall do it with pleasure." "Then sir," rejoined Lord George, "If you agree to my first request, I hope you will not think it unbecoming or unreasonable in me to ask another favour. It is to create me a Viscount, as should I be only raised to the dignity of a Baron, my own secretary, my lawyer and my father's page will all three take rank of me." The king expressing a wish to know the names of the persons to whom he alluded. "The first," replied Lord George, "is Lord Walsingham, who as your majesty knows was for some time under secretary of state in my office when Mr. de Grey. The second is Lord Lougborough, who has been always my legal adviser. Lord Amherst is the third, who, when page to my father, the late Duke of Dorsett, has often sat on the brakes of the state coach that conveyed him as lord-lieutenant of Ireland to the parliament house at Dublin." The king smiled, adding : "What you say is very reasonable, it shall be so ; and now let me know the title that you choose."—Vol. II., pp. 493-5.

CHAPTER V.

The narrative of the war of the revolution establishes the fact that the crisis on which the future was to turn, whether or not armed resistance would be appealed to by the colonies, occurred in the winter of 1774-1775. It depended upon the ministerial policy followed in London during these months if the agitation would subside, or assume a wider and more dangerous character. There was, undoubtedly, an active party in America prepared to push matters to extremity, whatever sacrifice might be involved in the attempt; but those constituting it did not possess the influence, if energetically opposed, to induce the whole country to sustain them in this hazardous enterprise. The class which hesitated to accept the chances of having recourse to arms was numerous, and had those composing it been supported by wise legislation and the presence of a commanding force, they would have stood aloof. Had the determination of stamping out every form of rebellion, been unmistakably made apparent, the agitation, if prolonged, would have assumed a more pacific character, on the lines which the constitution permitted. The first requirement in such a case, was to appoint able governors who would support law and order, possessing the military strength to act summarily when the emergency called for its exercise; above all, men who felt that they would not be abandoned by the authorities when carrying out their instructions.

By the mass of the population the power of Great Britain was still dreaded, and the feeling was strong that great injury must result to the provinces if they were occupied in a hostile spirit by troops having the enterprise and courage which distinguished them in the days of Pitt. There were few only who believed that, with able generals, any resistance would be successful: and it was only insensibly and by degrees, that

the great body of the people was led to regard an appeal to arms as possible. Opinion in the colonies had taken the form that it was only necessary to persevere in the expressed determination of paying no parliamentary tax, for the mother country in a short period to abandon the policy she had entered upon, and for the old relationship to be re-established. One of the great arguments which had weight in London, was the constant pretension of devotion, on the part of the provinces towards the mother country. With many, who afterwards rose to prominence in the revolution, the feeling was up to a certain period sincere; but the sentiment passed away as the weakness and irresolution of the British ministry gave courage to the leading malcontents. Thus many were drawn forward towards the advocacy of an active resistance, from which they had previously recoiled; and as often happens, the country drifted into a contest, the bitterness of which was increased by the perseverance of the men who sought independence. There never was any attempt on the part of the home ministry to counterbalance this organized violence. They allowed tumult to follow tumult with no effort at repression, as if all this strength of feeling, like a fire ill-supplied with fuel, would burn itself out: as if they were incapable of foreseeing the evil consequences their fatuity was calling forth.

There is no chapter in history which can be more profitably read by the modern statesman than that which records the absence of all political foresight, traceable in the winter of 1774-1775. Among all ranks in England, there was a general ignorance concerning the condition, strength and sentiments of the colonies. From the commencement of the dispute in 1765, the discontent had been regarded more in the view that it would affect the politics of the house of commons, than according to the true circumstances which characterized it. The ministers of every administration had acted without any fixed policy, beyond the desire of keeping the king on their side. Few men had studied the American question with more earnestness than the king himself. He astonished

Hutchinson in the now celebrated interview by his acquaintance with many trifling matters, and as we read the twenty pages in which the conversation is recorded by Hutchinson, we must recognize the good sense of many of the monarch's remarks.* It will I think be conceded, that, whatever the perversion of mind with which George III. regarded these events, he was sincerely patriotic; and one of the strongest feelings he possessed was his desire to see the termination of the quarrel effected to the general advantage of the empire. One of the misfortunes of that period, and it is by no means a rare feature with men in authority, was that the king believed in himself, and in the honesty of his intentions, and what was to have greater weight in the dispute, he had formed strong opinions, to which he clung with invincible obstinacy. The proofs of his interference in the policy of the country are too numerous for the fact to be disputed, and those who differed directly from the king's views, as they were expressed, had not the courage to state their own sentiments in opposition to them. Acceptance of the royal utterances, as infallible, was regarded as a safe passport, both to the acquirement of office and the retention of its possession.

There was, however, no indifference concerning the American question. During the ten years the agitation had lasted, it had exercised a continual disturbance in the house of commons, and had intruded itself into the political relationship of many prominent men. An uneasy feeling had arisen with regard to the cause of discontent, which few attempted to consider, and none to regard in a statesmanlike spirit. The commercial classes feared the loss of their customers. Those who in the colonies advocated the non-importation clause correctly estimated that they were appealing to a powerful influence on party combinations to be exercised on their behalf. What greatly aided to bewilder all classes of politicians was the ever-recurring protestation that there was no desire for separation, even on the part of the most active in the movement. Such a declaration gave ground for hope, that

* Hutchinson's diary, Vol. I., pp. 157-174.

the cause of dissatisfaction which prevailed could be removed, and the old friendly relationship be re-established. The design and intent of those who had obtained the mastery of the situation in America, and especially in Massachusetts, were never even surmised. As the demand that the colonies should assist in the expense of their own defence, which was the reason assigned for the introduction of the stamp act, was not considered to press unduly upon America, and that act had been repealed owing to the violent opposition to it, it was hoped that if the sentiment, of which such strong assurances were given, really prevailed, the legislatures of the provinces would propose some mode of adjustment agreeable to them, by which peace could be preserved.

One claim never abandoned in England was the supremacy of parliament. The fact, as a theory in the first years of the dispute, was not called in question in America, and there was never any open repudiation of the doctrine, although the opposition to the mother country took many forms, until it assumed the demand for independence.* The objection, which was afterwards formulated, was against internal and external taxation, standing armies, the desire to control the Indian lands, the Quebec act; but it was only at a late date that this specific pretension was advanced, and when such was the case, it took the distinct character of the demand for a separate nationality. It was the misfortune in imperial politics that the true condition of the dispute remained unconsidered, and that the unexpressed demand was not brought to its simple elements, unencumbered by declamation. The quarrel would have been reduced to narrow limits ; either that the points on

* Some light is thrown on a dispassionate consideration of the matter by the declaration of the assembly of Massachusetts in their address to governor Pownall in 1757 : "The authority of all Acts of Parliament, which concern the colonies and extend to them, is ever acknowledged in all the courts of law, and made the rule of all judicial proceedings in the Province. There is not a member of the general court, and we know no inhabitant within the bounds of the government, that ever questioned that authority." At this date the French were in full power at Quebec and possessed the fortress of Louisbourg, to impress on every seaport town of New England, a sense of the danger of the destructive attack to which it was constantly exposed.

which dissatisfaction was felt should be conceded, or their recognition enforced by irresistible power.

There ought to have been no difficulty in the removal of the want of concord, were it great or small, when the mother country disclaimed in plain language all desire to sacrifice the colonies to obtain revenue, to be expended for the benefit of the central power. The minister expressly declared that the sole desire was to retain the parliamentary right of determining the general policy for the benefit of the whole British dominions. Had there been as in modern times, a full discussion of the question in an ably written press, conducted by men of education and independent thought, there would have been a truer conception of the differences which prevailed. Political writing in this respect was in its infancy in England. Caricature was then more a political weapon than the modern leading article. Until the days of Junius such political disquisition was of rare occurrence; and reports of the proceedings in the house of commons were contrary to law. George III. spoke of those who gave an account of what took place in the two houses as "miscreants."^{*} The law of libel was a law of terror, and prosecutions followed any strong declamation against a government policy. And as in the attack of Wilkes, when challenged by Martin, whose conduct on this occasion called forth the bitter animadversion of Churchill in the *Duellist*, there were always men ready to make a personal quarrel out of a political dispute, by which they could gain notoriety and favour, and possibly, remove a powerful opponent.

In the British provinces the press, with a few exceptions, was on the side of those who were advocating extreme

February 21, 1771.

"I have very much considered the affair of the printers, and in the strongest manner recommend that every caution may be used to prevent its becoming a serious business. It is highly necessary that this strange and lawless method of publishing debates in the papers should be put a stop to. But is not the house of lords the best court to bring such miscreants before, as it can fine as well as imprison, and has broader shoulders to support the odium of so salutary a measure?"—George III. to lord North.

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measures. Every number of such journals published in the heat of the contest was an appeal to additional violence, and, as time went on the pretensions advanced with it. There was no antidote to this violence. Agitation could run its course unimpeded by opposition. In any community a few active individuals well organized can make a great noise, and convey a false opinion of their strength and power. It is understood in modern politics, that these attempts have to be met in the early stage of their efforts. As opinion with time gains strength, so the agitation which could have been subdued at its commencement with no great exertion, finally acquired an increase of force almost to be irresistible.

The difficulty with the British ministry lay in their incapacity to determine the policy they could resolutely carry out. They saw events drifting onward in a direction which they could not follow, to an end which they could not foretell, and as they made no attempt to guide the former, so in no way they strove to shape the latter. It cannot, however, be pretended that the ministry remained unimpressed with the dangers of the situation and the obligations it entailed. Lord North told Hutchinson in November, 1774, that there was a determination to take effectual measures; he even confidentially communicated to him that parliament had been dissolved, and that a new house of commons had been obtained, so that the ministry could "at the beginning of a parliament take such measures as we could depend upon a parliament to prosecute to effect."*

Parliament met on the last day of November. But with all the sense of the necessity of urgent measures being adopted nothing was done. There was an unbroken silence upon American affairs, which was a general surprise, and to none more bewildering than to the colonial loyalists, who had taken refuge in London. Letters had been received from Gage; there was nothing material in them. There was no appeal to the ministers to meet the threatening crisis. General opinion traced the procrastination to lord North having no definite

* Hutchinson Diary, I., p. 298.

view of what he should do, and to his fear of taking a false step. Members in the house of commons, even on the ministerial side, became dissatisfied, and the propriety was discussed of preventing any adjournment for the christmas holidays. The adjournment, however, took place, and the ministers went gaily to their country houses. On all sides there was tranquility, as if America was not seething in an agitation which its fomenters never permitted to cease. It was, however, publicly said that lord North had a plan prepared, but had deemed it wise to postpone its introduction until after the holidays.

There was no public opinion with regard to the future. The view which generally prevailed was, that the strength of the mother country was irresistible, and that America should be clearly made to understand that parliament would maintain its authority to the full extent that circumstances would demand. It was hoped that from a sense of the power with which the declaration could be enforced, the colonies would become more submissive. The strongest desire was felt for the happiness and prosperity of the provinces, and there was a readiness to grant all that could properly be conceded, if the theoretical supremacy of parliament were recognized. Many asked if such an admission of supremacy could be obtained, with the understanding that no taxes should be enforced. The royalists in London saw that there was no hope for such accommodation. If excuse can be found for this view, it must be sought for in the conduct of those advocating the cause of congress both in America and London. There were unceasing complaints of grievances, a reiteration of assumed injuries, a parade of the violations of their ancient constitution, with the demand of reparation due for wrong; but there was never a specific proposition of the policy that would satisfy America. At this date no such proposition could have been made, for in the provinces themselves the agitation had passed out of the realm of constitutional discussion. The ill-conceived Boston act had ranged the whole country on the side of Massachusetts. That

such a coercive measure should have passed, and no steps have been taken by a powerful force to affirm throughout the colonies the claim of supremacy put forth by parliament, is one of the glaring proofs of the fatuity of lord North's administration.

At an early stage of the dispute, a policy to remove the evils declared to have been caused by the home government was not only possible on the part of the provinces, but it could have been clearly set forth, had the desire of maintaining the relationship been sincere. Such demand, however, was never made, and those most zealous in fomenting the disturbance were careful that none should be formulated. That which they had at heart, the independence of the colonies, could not be advanced as a constitutional remedy; it was safer for them to persevere in continuous agitation, negatively assailing the attempts of the parent state to re-establish the old feeling which had prevailed before France was driven from the continent. Consequently, there was never an affirmative declaration of the constitutional reforms they desired. Even at a late period, ministers would have welcomed any proposition on almost any principle, provided only that it promised a satisfactory settlement, which would have quieted the discontent and been acceptable to the king. Their opinions were drifting in all directions, hopelessly seeking for some definite policy they could advocate and act upon.

At this time Quincey, then prominent in Massachusetts' politics, arrived in London. He subsequently represented in his account of his interview with lord North, that he had been sent for by the minister. The truth is, he came somewhat unexpectedly into lord North's presence. One Mr. Williams had written to the latter, stating that such a person was from Boston, and asked if it would be agreeable if the writer would bring Quincey to wait upon him. The next morning, Williams called; North conceived that it was to obtain a reply to his letter, and when Williams was admitted, he brought Quincey into the room with him. Quincey had here a full opportunity to lay the American view before lord

North. He professed the old story that there was a general desire for reconciliation; but the people of Massachusetts felt certain that they had been wrongly represented, evidently referring to Hutchinson as the delator; and Quincey conceived that three or four persons on the part of the kingdom, and as many on the part of the colony, might easily settle the matter. Lord North replied, that he had been moved by no information or misrepresentation; he had judged by the acts and doings of the colonists themselves, of which he had received authentic narratives, denying the authority of parliament over the colonies; he presumed that this was evidence which could not be gainsaid. That authority could never be abandoned. If he himself should yield the point, he would expect his head to be brought to the block. Quincey made no reply on this point; he alluded to the proceedings of congress, and expressed the opinion that they would terminate in a non-importation agreement. He had no proposition to make, no suggestion to offer, and the inference is that he waited upon lord North to learn, if he possibly could, the designs of the British ministry for the coming year. The presence of Quincey in London has this importance, that if there had been any true desire for reconciliation, as he strongly declared, he had the opportunity in an informal way of submitting the remedy in general terms. If any hope for the re-establishment of the old relations had really been felt, some principle, which made the adjustment of the quarrel possible, could have been discussed, so that its future acceptance might have been assured. Quincey's nominal cause for being in England was his health; the desire to gain information, and obtain news of what was happening, may be ascribed as the true motive.

Parliament re-assembled in January, but no business was undertaken during that month, although there was much to call for active measures. Chatham had appeared in the house of lords, and asked the recall of the troops from Boston. He condemned what he called the fatal acts of last session, while he prophesied the hour of danger would come

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with all its horrors. He declared that "no nation or body of men can stand in preference to the general congress at Philadelphia." It is this praise which has obtained for this congress its extraordinary reputation ; he found, however, but eighteen supporters.

A feeling had begun to prevail in England that the end in view of the American provinces was separation from the mother country. Chatham had spoken to Franklin on the subject. Franklin's reply was that he had travelled from one end of the continent to the other, and had never heard any person, drunk or sober, express the least desire for the separation ; yet at this very time, Franklin was assuring Quincey, whom he met in London, of his earnest desire for "total emancipation."* Chatham fell into the trap of believing Franklin's assurances.

As i.e saw no possibility of the disruption of the empire, he continued with his accustomed vigour to assail the policy followed by the ministry in the American troubles. He acted as if his attack were against the political existence of the government. Imperilled as their position was by their want of statesmanship and absence of all purpose, Chatham had no remedy to offer but that the troops should be withdrawn from Boston, and every restraint removed from the prevailing agitation. He never looked upon the colonial loyalists as deserving of the slightest attention. It is impossible for him not to have heard of the persecution to which they were subjected for the assertion of their opinions. I do not think that a passage in his speeches can be quoted in which he shewed sympathy with the large number, however scattered and without organization, whose crime, with those amongst whom they lived, was devotion to the mother country.

In the house of commons, the petition from congress was introduced. It had been confided to Bollen, Franklin, and Arthur Lee, who submitted the request that they should be heard by counsel at the bar of the house ; but the request was

* Life by J. Wild Sparks, p. 372.

refused, on the ground that congress was a body not recognized by law.

In February, lord North brought in his promised bills, as if the spirit of revolt in America could be averted by a vote of the house. The first bill was, to prevent the commerce of the colonies being directed to any other country than Great Britain and the West Indies, and to deny them the right of fishing on the banks of Newfoundland. Three days afterwards, with his majority, he carried an address to the throne, declaring that Massachusetts was in a state of rebellion, sustained in the other colonies by combinations contrary to law, and that the support of parliament would be pledged to subdue it.

Although the aggressiveness of these acts evinced a spirit of extreme hostility, no steps were taken for their enforcement, or that they should in any way obtain political vitality. Lord North could not bring himself to act; he heard various opinions in different directions, and they created a chaos in his mind. His nature was prone to indecision; and he was averse constitutionally to all business which exacted labour and thought. He could, however, when he braced himself up for effort, form a just and fair view of any situation, whatsoever its complications. His abilities were admitted. He had, unfortunately for himself and the nation, formed opinions irreconcilable with his relations with the king. He was paralysed in the discharge of his duty, by his convictions not being in accord with the line of policy his political position entailed upon him. During this trouble, lord North went much into society. Lord Hillsborough met him in February, in the height of the dissatisfied feeling of the house of commons. All he could talk of was, the Pantheon and Almacks; not one word could be obtained from him on the subject of the trouble in America. Except lord Dartmouth, who was a man of strong religious convictions, and of a serious character, the ministers all went constantly into the *grand monde*, sat up late and rose late. Accordingly, in this bustle of amusement no progress was made in the formation of a policy

to extricate the country from the formidable dissensions, which were to end in the dismemberment of the empire.

Wonder must arise that the ministry, having carried their extreme measures, should have stopped short at the establishment of their parliamentary majority, and that no plan of operations was determined, to attain the results which these measures threatened. It was not possible for North to suppose that paper enactments would be a source of terror to the provinces, which were beginning to feel a sense of their power and strength, and where the population was each month advancing with great strides towards an organized resistance to sustain the position they had assumed. What could have been expected from the motion carried by the government : that when provision had been made for a payment by the colonies of their proportion of the national expenditure affecting the provinces, all taxes except those levied for the regulation of commerce should cease, and the amount obtained by these means should be applied to the credit of the proportion of revenue payable by the colonies ? The writers, who in describing these events make the charge of tyranny against the mother country, may dwell on the imposition of taxes, as if the amount obtained was to be applied to imperial purposes. No contemporary writer of authority makes this accusation ; the objection against any taxation was that it had been imposed independently of the colonial legislatures. As to the tax applied to tea, by which there was a positive saving to the consumer, even this act was represented as a national wrong ; it was its imposition in any form which formed the grievance ; in other words, it was a representative act of the supremacy of parliament.

As was the case with Chatham, the loyalists never appear to have been regarded by public opinion in England as deserving of consideration. Consequently they were left unprotected throughout the whole extent of the country, except within the limits of Boston. Peter Oliver wrote with some bitterness in November, 1775 : " We are shamefully neglected, I mean the friends of government. If only 10,000 troops could have

arrived this fall, the matter would have been settled." Lord North acted as if the threat of the application of force was all powerful in itself, and as if the fact of sending three major-generals to Boston with some additional force would have conveyed such terror to the heart of the American continent, as to paralyse every thought of resistance, and their arrival would have terminated the contest. The actual result was that when they landed this additional force, it simply increased the number of the troops shut up in Boston.

There is one view which I will venture to say has not received the consideration which it claims, that is, the provincial leaders had ceased to have respect, love or any fear for Great Britain. It was no longer the England when Pitt was at the head of affairs; when able soldiers were placed in the command of armies, and when operations in the field were conducted with skill, vigour, and determination. All this had passed away. From the accession of George III., for thirteen years, there had been changes of ministries, and, during the series of political struggles, there had been unceasing attempts to establish the personal government of the monarch. Then had been seen the persecution of the subject, the violation of the rights of parliament, the absence of wisdom in the national legislation, and in place of it a weak, faltering, uncertain policy, attributable to the utter incompetence of the executive. This want of vigour of administration had not only courted opposition, but had given birth to a feeling of contempt, the invariable heritage of weakness. The pride which had been felt in the national relationship had passed away. Provincial politicians became more inclined to listen to the promises made to them, that by a change of national condition they would gain distinction and honour; when the whole commercial world would possess the right of trading unfettered throughout the world, and additional avenues to the possession of wealth would be thrown open to the entire population.

Hutchinson relates an extraordinary conversation between Galloway, a Pennsylvania loyalist, and Franklin and his son. After the arrival of Franklin in England in 1774, Galloway,

on seeing him, expressed a hope that he had come over to promote a reconciliation. Franklin said little, but appeared struck with the remark. For some weeks he remained in retirement. His absence from political life attracted the attention of Samuel Adams, and awoke his suspicions of Franklin's acceptance of the end he had in view. He accordingly commenced an attack upon Franklin, mentioning him as one who designed to betray the cause of congress. The younger Franklin, the governor of New Jersey, a loyalist, subsequently told Galloway, that his father had avoided all conversation on the subject with him, and that having some suspicions of his father's intentions, he had told him if he designed to set the colonies in a flame he hoped he would run away by the light of it. I take the remaining account from Hutchinson's narrative.* "Soon after Galloway and the two Franklins met together, and the glass having gone about freely, the doctor, at a late hour, opened himself and declared in favour of measures for attaining to independence; exclaimed against the corruption and dissipation of the Kingdom, and signified his opinion that from the strength of Opposition, the want of union in the ministry, the great resources in the colonies, they would finally prevail. He urged Galloway to come into the congress again, and from that time, united in the closest connection with Adams, broke off from Galloway."

If this sentiment was felt by Franklin, who looked upon everything as it was affected by his cold, sceptical intellect, how many were there of those, whose warmer and more genial natures were depressed by the loss of their past illusions. There are public men who affect to think that the whole colonial connection is one entirely of interest. Undoubtedly if this interest be seriously affected and injured by the relationship, those suffering from misgovernment will begin to ponder, if necessity exist for change. There is, however, in modern life so much publicity given to every event, that no great injury is ever allowed to remain unredressed; and public morality has long enforced the dogma, that justice furnishes

* Hutchinson's Diary, II., p. 237.

the truest policy in the relations between the imperial centre and the outer provinces. Especially, be it said, where the inhabitants are all of the same race or cognate races, and no extreme distinction of religion and customs calls for special adjustment.

It has been asserted that any sentiment as to our own relationship with the mother country is a mythical feeling, which disappears before the consideration of a few cents more being obtained for a bushel of wheat, and the profitable extension of our markets; as if this were the whole question, important, as it undoubtedly is. The relations of any outer province to the empire from which the forefathers of its founders have sprung, are sufficiently complex, and cannot be disposed of by a well-turned formula. But we greatly err when we fail to recognize that there is a vein of sentiment in every national connection, independent of the advantages derived from it; and so long as the relationship is based on a genuine conviction that it brings with it both honour and profit, it remains indestructible.

In Canada we feel that we possess a reflex of the greatness and glory of Great Britain ; that we, with her, are in the van of civilization, that we participate in the possession of a literature, unsurpassed in pathos, dignity, excellence, and power by that of any other land. The history, the chronicles, the traditions of nearly two thousand years, are ours. Our mother country has been the friend of the weak, and, when circumstances have enforced the unfortunate duty, the fearless uncompromising enemy of the strong. It would be difficult to enumerate all that we owe to her victories in the arts of peace, or the every-day comforts traceable to the sciences she has patiently perfected. There is not an hour in our lives, that we may not feel the ease and enjoyment which her inventions have brought to the advancement of our material well-being, making the struggle to live less burdensome.

It is from her that have sprung the representative institutions which have given liberty to the world ; to her we owe the efforts of the last half-century to elevate mankind, by

inculcating self-respect, industry, honesty, and thrift. It was Great Britain that first lessened the severe punishments apportioned to the minor crimes. From her have arisen those political studies which have swept away class legislation, and opened the prizes of public life to merit; which have removed the commercial restrictions that so long paralysed industry, and which enforced the principle that it was the first duty of a nation to obtain cheap food for its toilers. It is Great Britain that has striven to remove by universal education the danger to the state arising from an ignorant, dissatisfied, impoverished, reckless population, without a sense of obligation to the commonwealth, and having little for which it has to be thankful; for the disappearance of crass ignorance is accompanied by the diminution of the crime it engenders.

So long as our love and veneration are maintained by a sense of the national greatness in which we participate, and by pride of race, our connection with the British dominions may be regarded as assured. There are those who tell us otherwise; but their words, valueless from their emptiness, find no permanent place among us.

One of the main causes why the revolution took so firm a hold on the lower population in the cities and towns was that the utterance of the agitators remained uncontradicted. The latter were unchallenged in their assertions. Any attachment to the mother country, which still existed in sections of the population, was gradually sapped by being continuously assailed, until, in many instances, it ceased to have any active influence. There had always been in many respects in the colonies an impatience of control. When people were told how much better off they would be without paying taxes; and in managing their own affairs, they looked kindly on the prophecies which promised so much prosperity, untrammelled by any pecuniary obligations.

North, in his public life, shewed that he gave little thought to the colonial loyalists; certainly he cared little for them. Hutchinson received great attention in the highest circles in England. He was offered a baronetcy, which his circum-

stances led him to decline, and invitation followed invitation from the first people in the realm. The impression cannot be resisted that he owed this distinction to the wish and intervention of the king, while at the same time his own great abilities, with his literary and political acuteness, would have obtained attention in any educated society. Lord North was civil to such of the loyalists as he accidentally met. Although well educated, with wide reading and as extended a knowledge of men as of books, he knew little of the colonies and their political condition. He had some passing theories on the subject of the difficulty, but his legislation shews that he never understood the true causes of discontent. With his other fallacies, he had formed the opinion that there was a large population ready to take arms on the first opportunity in defence of the royal cause. Lord George Germaine entertained this view to the last, and his order to Burgoyne to act in accordance with this opinion, was one of the causes of that unfortunate general's delay at the south of lake Champlain, and of the disaster at Bennington, a delay which permitted the assembly of the force in his front, by which he was over-powered.

There could be no plainer teaching of the intentions of the colonies than their own proceedings, which ought to have been read as the writing on the wall, calling forth the unrelaxed efforts of the British ministry to subdue the threatened hostility. The resolutions voted by congress should have taught all who considered them, that a crisis had been reached, which, if left uncared for, would present greater difficulties. "The Declaration of Colonial rights," if it had any meaning, was the affirmation of independence; subdued only by the responsibility of taking measures for its establishment. It set forth the natural right to life, property and liberty; that, as colonists, they were bound by no laws but those voted by their representatives; that the power of making laws existed in the legislatures only; that the authority of parliament merely comprehended the regulation of trade, and in no way conferred the right of imposing internal, or external

taxation ; that trial by jury in the county where they lived was their birthright by English law ; that they possessed the right of petition, and of assembly in public meetings ; that the presence of a standing army was an infringement of liberty. A protest was recorded against legislation emanating from the provincial councils, the members of which had been nominated by the crown ; and the charters possessed by the provinces were declared to be perpetual, beyond the royal power to change or modify them. Eleven acts of parliament were named as having violated the liberty of the provinces : the sugar act ; the stamp act ; the two acts for quartering imperial troops ; the tea importation act ; the act suspending the New York legislature ; the two acts for the trial of offenders in Great Britain ; the Boston port act ; the act for regulating the government of Massachusetts ; and the Quebec act.

Fourteen articles were embodied in an "American Association," pledging its members to non-intercourse with the mother country, and the provinces which would not accept the movement. Non-importation was to commence after the 1st of December ; the slave trade, then unhappily a lucrative branch of commerce, was denounced ; the use of mourning, as a needless expense, was forbidden. Sheep were to be bred for their wool. Above all, committees were appointed everywhere to discover the names of all who violated these principles, and who were loyal to the mother country, so that they could be made known as "enemies to American liberty." In other words, to be exposed to outrage, to be ill-treated, and threatened with severe penalties.

One consequence of the non-importation clause, which had been foreseen would be voted by congress, was that orders were poured into the mother country to a greater extent than had ever before happened. New York and Pennsylvania ordered double the usual quantity of goods, so that both Connecticut and Massachusetts could be supplied by these provinces. The traders of the latter did not send any order to London ; indeed there was difficulty in obtaining credit

there.* The fact of this proceeding led to greater disregard of the political manifestations when made known : and caused them to be regarded as merely threatening declamation. Lord North was in no way apprehensive of anything troublesome coming to pass from the proposed congress. He feared rather the commercial consequence of the increased exportations, that they would not be paid for, and that the presence of the increased supply would for a time justify non-importation.

The indifference concerning the political agitation even became greater. The ministers were above all unconcerned. They acted as if they believed order and good government must be established, and whether sooner or later was a question for the colonists themselves to determine ; in the meantime, they hurt no one but themselves. It was the general saying that they must suffer from the confusion they were causing, if they could not be content with the easiest government in the world. Nobody at home felt that any inconvenience or loss could arise from any proceedings they would take ; those only who made bad debts would suffer, and those people who went on giving trust must blame themselves.

The letters of this date shew that these opinions were everywhere prevalent. There was no unkind feeling towards the colonies ; the great difficulty was really to understand what was the cause of the discontent. On all sides a settlement was hoped for, but no one pretended to understand how it could possibly be effected. All that was asked from Boston was that the tea which had been thrown into the sea should be paid for, and submission in some form be made, with the declaration that the authority of parliament should not be opposed. Hutchinson did not consider any such declaration necessary, indeed he felt it would never be given. The whole nation, however, was against the colonies on this point. Chatham felt the force of public opinion so strongly, as to declare to lord Mansfield, that he had not said what had been attributed to him, that parliament had no right to tax America,

* Governor Hutchinson to his son Thomas, 3rd August, 1774. Vol. I. p. 201.

and that he never intended to affirm anything more than that the taxation was inexpedient.*

The ministers looked for extrication from the difficulty to some moderate expedient, which would bring the colonies to terms, and at this date in the contest the extreme measure of sending an army and fleet forcibly to subdue America had not been determined upon. All that the ministers had resolved upon was not to recede, as they felt that by so acting they would commit political suicide. Their hope was that the agitation would pass away. They desired to see the colonies prosperous and restored to quiet, and, in order to attain this end, were willing to grant every concession, so that they would hereafter remain a portion of the British dominions. But in what form was parliamentary authority to be assured, in face of the repeated declarations from the provinces that they would never submit to it? All that could be hoped was that the colonies would forbear to deny formally its acceptance. Force in one direction could at least be applied. If the colonies refused to trade with Great Britain, it was foreseen that they could be prevented from trading anywhere else, and that encouragement could be given to those provinces which stood apart from the almost general agitation.

It was debated in London whether the leaders in Boston most active in the agitation should not be arrested, brought to England, and if found guilty put to death; such men as Samuel Adams, Hancock and Molineux. But when the proposition came up for consideration, all who would have been responsible for carrying it into effect, shrank from the responsibility. With the great majority of British statesmen in modern times, a strong feeling has existed against inflicting the extreme sentence of the law for purely political offences; and there is, moreover, never the desire to confer martyrdom on any commonplace personage who has made himself remarkable by his sedition. The objection was also raised by the law officers of the crown, that in their view there was not evidence to ensure conviction, and if the intention was ever

* Hutchinson, Vol. I., p. 202.

seriously entertained it was immediately abandoned.* Lord Mansfield strongly condemned such a proceeding, for, if the accused were convicted, the case could be kept pending for years by the motion in arrest of judgment upon error of proceedings.

When the possibility was mentioned to Hutchinson, he suggested, with the good sense which he always shewed, that it would be wiser if they first dealt with offenders at home. Treason was talked with impunity in London, and if those who acted wrongly in this respect were first punished, their conviction might act as a warning to the violators of the law in America.

The news of the proceedings of congress reached England in November. Hitherto the opinion had been entertained that congress could never agree on any plan of government; that the differences of feeling and condition existing between the provinces would make any assimilation of thought impossible; that the attempt to accommodate such opinions would fail; that, in sheer desperation, the colonists would effect a compromise with parliament, and, in some modified form, acquiesce in the exercise of its control; reverting to the old conditions under which they would obtain protection against foreign aggression.

Whatever form the specification of the grievances might take, it really resolved itself into the one specific wrong, the exercise of the supremacy of the British parliament. The cardinal defect in the policy of the home government was, that ministers did nothing but pass ill-considered acts of parliament, and that they were incapable of understanding, that without strong repressive measures in the present stage of the agitation the nation was drifting into war. This hesitation increased as the American difficulty became involved within the party lines of home politics. It was never believed that armed resistance would be resorted to; indeed it was not until Lexington and Bunker's hill, in spite of all the teaching of the violent opposition to the stamp act, that recourse to arms was considered possible. The agitation was regarded as

* Hutchinson's diary, Vol. I., pp. 283-219.

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a passing fit of anger, which would in due time subside. The great body of the population of the provinces were looked upon as being indifferent to the result, and as not considering the questions agitated, to be so all-important as to withdraw them from their occupations. There was, moreover, an absence of a proper appreciation of the causes of discontent. Had the facts been thoroughly considered, it would have been only too well understood, that the dispute had reached a crisis that it could not be accommodated by any temporizing measures. One of two courses had to be followed: either the supremacy of parliament had to be abandoned, or a force sent into the colonies by the strength of which it could be asserted. At the same time this supremacy should have been so gently exercised that no question of the abstract right would ever again be raised.

There was no desire to act harshly to America. If it had not been for the publication of the Whately correspondence, and Franklin's ill-judged letter, which appeared on that occasion, there would have been no thought of the exhibition of the limited degree of vigour which was shewn. But the administration became alarmed* from the conviction that there was a dangerous conspiracy against the government and the time had arrived for some assertion of authority. It should have been seen in 1775 that the question had been reduced to a simple issue, and above all that it was indispensable to keep Canada so securely garrisoned that it should not be involved in the dispute. There was again the error entertained that Canada not only required no garrison, but that the French Canadian population were ready in numbers to take the field in the royal cause.

Even with this impression, all that was done was to send some additional regiments to Boston, retaining in their command the general who for the past months had looked perfectly passively on the troubles gathering around him, and the admiral who had permitted outrages under the guns of his vessels; general Gage and admiral Graves.

* Jenkinson's remark to Hutchinson. Diary, vol. I., p. 185, 8th July, 1774.

The whole of the departments in London were disorganized and utterly unequal to the strain of war. As an instance, it may be recorded, that later in the year, when the ill-judged order to vacate Boston had been given, lord George Germaine, then in power, considering that the order was not positive, but discretionary, brought the matter to the attention of the king, and the order was referred to. It was found that lord Dartmouth had made it positive. It was agreed that lord Germaine should send fresh instructions countermanding the strictness of the order, leaving it to be carried out or not, as Howe thought expedient. The order was never sent.*

In private life, three of the ministers were highly respected. Lord North was a travelled man, educated, with great wit, whose good nature has remained proverbial. Lord Dartmouth was so religious that he was laughed at as a methodist, a word not used at that time in a commendatory sense. Lord Suffold was equally irreproachable. Lord Sandwich was the reverse of this. His conduct in the matter of Wilkes had obtained him the name of "Jimmy Twitcher,"† which clings to him in history. Four years after this date his name attracted attention by his mistress, Miss Ray, being shot on leaving the theatre by a clergyman, one Hackman, who had previously been in the army in the 66th regiment. Neither

* Hutchinson relates that on one occasion he sent a packet of letters to be forwarded in lord George Germaine's box; after six weeks' interval it was returned to him by Mr. Knox, the assistant secretary, with the remark that the ship was not proceeding to sea.

† Some of the readers of this volume may not object to an explanation of this nickname. Wilkes, some years before he was attacked in the house of commons, had parodied Pope's "Essay on Man," calling it an "Essay on Woman." It had been dedicated to Sandwich. Pope's opening line is "Awake, my St. John;" Wilkes commenced with "Awake my Sandwich." In 1763 Sandwich in the house of lords to the astonishment of everybody denounced Wilkes as the author of a blasphemous, obscene and infamous libel, a copy of which he produced. Sandwich's life was well known to be profligate in the extreme. A few days afterwards the "Beggar's Opera" by Gay was produced at Covent Garden. Captain Macheath, a swell highwayman, a type of the class of that date, in one of his speeches had to say, "That Jemmy Twitcher should peach I own surprises me." The audience gave one shout of applause, the application was perfect, and Sandwich in his life obtained the opprobrium of being so called, and the name sticks to his memory.

Sandwich's private character, nor the performance of his official duty, obtained anything but condemnation, whereas the other ministers in their family relations were much respected.

Such were the circumstances in the winter of 1774-1775, when it was possible for a vigorous policy to have averted the war. To the party advocating independence there was only one argument to be addressed, that of force. That the government of the provinces required great modification is admitted; there was much to rectify. A statesman would have seen that the first reform should have been made in the relaxation of the commercial relations which oppressed the colonies. Unhappily for the empire, lord North was not a statesman, and he had not the force of character to withstand the royal influence. No such government could exist in modern times. That we possess our present political liberty throughout the empire may be owing to some extent to the events which happened in those days. With wisdom and forbearance, there was no reason for the disintegration of the empire. There is a class of writers who tell us that it was providentially designed. Frederick the Great remarked that providence was generally on the side of strong armies, and prosperity attends the empire, the government of which is sustained by wise statesmanship, judgment and honesty of purpose.

These are its true providence. Where they fail we can readily see how rapidly disaster and misfortune follow, how "one woe doth tread upon another's heel."*

In the history of these unfortunate days there was no long delay to be experienced when the nemesis of this paltry indecision was to appear, for on May the 20th London was convulsed with news of the affair of the 19th of April at Lexington, brought by a vessel sent over in ballast by congress. And even this woeful certainty failed to awaken the ministry to a sense of duty and effort.

* Hamlet, IV., 7.

ἐκ γὰρ ἀληγονες ἀληγος αῖ.

—Euripides Phoenissæ, 382.

GOVERNOR THOMAS HUTCHINSON.

Frequent allusion has been made to the diary of governor Thomas Hutchinson. He belonged to the Massachusetts branch of an old Lincolnshire family, the founder of which arrived in America in 1633; the husband of the celebrated Anne Hutchinson, whose religious enthusiasm led to her banishment from the colony, and her settlement in Rhode Island in 1637. Five years later, on the death of her husband, she established herself in Connecticut, where subsequently she, and most of her children and servants, to the number of sixteen, were massacred by Indians. Thomas Hutchinson was fourth in descent from Anne Hutchinson: her great-great-grandson. His father, a merchant in prosperous circumstances, left him a handsome fortune. He was himself born in Boston, in 1711; he passed through Harvard with fair distinction. Throughout an active career he diligently applied himself to history and literature, and amid the strife of politics, pursued the study of the Latin classics to the last days of his life. Among the men of letters of his own country, he still deservedly retains a high place by his history of Massachusetts, the merit of which is indisputable.

Hutchinson possessed the advantage of having an evenly balanced mind, rarely bewildered by adverse circumstances. In his young years, encouraged by his father, he made ventures in business in his father's vessels, and succeeded in gathering, by his own prudence, a respectable sum of money. Subsequently he was admitted a partner into his father's house, and became the possessor of considerable property, more than a competence. When twenty-three, he married Margaret Sandford: a union of affection, and her death, after a few years, was a sorrow which never passed from him.

Hutchinson early entered into political life. Although his career had been that of a merchant, and he never underwent any special legal training, in 1760, he was appointed chief justice of the province: he had previously been selected as lieutenant-governor. His opinions were based on the firm belief of the common benefit derivable from the connection between the mother country and the colony, and he recognised, certainly as a theory, the supremacy of parliament; he would, however, have made its exercise a question of expediency. His sagacity led him to understand that, the design of the extreme party was a covert attack on this relationship, and he endeavoured in every way to thwart it. His political discernment, and his high character and attainments made him a formidable enemy, and he became a special object of the malevolence of its leaders. In one of the excesses of the mob, consequent upon his opposition to the agitation against the stamp act, his house at Boston was gutted, his furniture burned, and his library and papers scattered through the streets. He had long been making a collection of documents necessary to the work on which he was engaged, a history of Massachusetts. The first volume had been published in London in 1765. The second was in M.S. and when his house was destroyed, the sheets were scattered in all directions. Although they remained some hours exposed to the rain, they were fortunately collected, with the exception of a small number which Hutchinson, with more or less of labour, was able to replace, and the second volume was published in 1767. Two years later, he issued a volume of the

historical documents which had also escaped destruction. The third volume of the history, which he completed when in England, remained unpublished until 1828.

On the departure of sir Francis Bernard, the governor in 1769, Hutchinson performed the duties of that office, and continued so to act until 1771, when he was appointed governor. In March, 1774, he arrived in England, where he remained until his death, on 3rd June, 1780, at the age of 69.*

During the period that Hutchinson was in England, he kept a journal day by day of his own experience, and of what happened in the political world. The two volumes have lately been published by his great grandson, Mr. Peter Orlando Hutchinson (1883-86). It is a valuable addition to the history of this time. There can be no hesitation in recognising the honesty and truth with which it has been written. The consequence is, that his history of Massachusetts has received increased affirmation of the authority it possesses. A knowledge of this private expression of Hutchinson's feelings ought to remove the bitterness with which his memory is still assailed. It shews, that his sentiment as a colonist was as strong and as genuine as that of the noisy demagogues who attacked him, but it differed in this respect, that it was blended with sincere patriotism. The master feeling of his life was his devotion to his native land.† Moving in the first circles in London, his heart remained in Massachusetts. In place of exciting angry feelings against his native country, his constant effort was, whenever opportunity permitted, to modify the adoption of extreme measures, and to lead to kindly thoughts of those with whom he differed. A royalist in London, in an extended correspondence he followed the political events which were taking place in what he still held to be his home, constantly clinging to the hope that they would shape themselves so that, he could return to those much loved scenes. Even from London, he wrote that, it was his intention to erect a monument in Milton churchyard to his dead, but still dearly remembered wife, beneath which he desired that his own remains should be placed.

Hutchinson never gives precise expression to the strong dissatisfaction he felt at the imbecile inaction of lord North and the absence of a firm line of policy by which peace could have been attained. It is plain nevertheless by the records of his journal that he looked upon the vacillation, and the want of statesmanship of the ministers, with a feeling akin to contempt. What fear he entertained was not for the mother country, but for his own province; he knew the strength of Great Britain, and he did not consider it possible that such fatuous negligence, want of

* Franklin wrote from Passy on the 17th, that Hutchinson "died outright of the fright" caused by the lord George Gordon riots. They really only commenced on the 2nd, and some days passed before they attained their mischievous strength. Franklin's chronology was as much at fault as his decency of feeling.

† A few months before his death, 1st of February, 1760, (vol II. p. 335), he wrote, "The prospect of returning to America and laying my bones in the land of my forefathers for four preceding generations,—and if I add the mother of W. H. it will make five—is less than it has ever been. God grant me a composed mind, submissive to his will; and may I be thankful that I am not reduced to those straits, which many others who are banished are, and have been."

purpose and gross blundering could be experienced, for the country to drift into the disorder and disgrace that followed. He did not believe that resistance was possible, and he dreaded that the provinces would cruelly suffer from the rebellion they had commenced.

There are few characters in the history of the United States which personally exact higher respect than that of Hutchinson. It was characterized by honour, truth, great political sagacity, and by attainments which would have obtained respect in any society; nevertheless there are few whose motives have been more persistently misrepresented.

He suffered much sorrow in England. First his daughter Peggy pined away and died. His son Billy followed her. The blow came upon him with great severity, and doubtless hastened his own dissolution. All were buried in Croydon, near London.

No stronger appeal presents itself to Massachusetts feeling that Hutchinson's memory should be kindly considered, than the character of his two daughters. Sally became the wife of Peter Oliver. She remained by her father's side on the night of the destruction of his house, and would not leave unless he would accompany her. Intuitively she felt the danger in which he was placed, if brought face to face with the Boston mob. Of Peggy we know more. Many of her letters are published in connection with the journal. They are written with uncommon grace and charm. Noticed most graciously by royalty, moving in the best society, mixing with the first men in social life, she could only think with affection of her old Massachusetts associations. There is a reference to some early disappointment to the memory of which she clings, and could she have so willed, it would still have controlled her fate. The brilliant *entourage* in which she lived led her in no way to forget her home or her first friendships. She appears before us in the flush of youth and warmth of feeling, one of the most pleasant portraiture in literature. Her heart never ceased to yearn towards her native province; there, were still her thoughts, her affections, and hopes. But it was her fate, with that of her father and brother, to find her last resting place in the mother country she likewise loved, but divided by the ocean from the land of her birth which had the first place in her affections.

There is something touching in Hutchinson's love for his native province, his undying interest in its fortunes, the hope to which he clung to the last of returning thither. The success of Howe, of 1776, for a few months created the illusion that the quarrel would be terminated, and that in a few years the relationship would fall into the channel of peace, contentment, and satisfaction. Burgoyne's disaster destroyed this dream. All the royalists read it truly as what it proved to be, the loss of America. In a fly-leaf of his journal Hutchinson wrote, "*Vincit qui patitur*, motto for refugees." His affection for his birthplace, however, still remained in its force, and it found vent in transcribing a passage from a letter from Grotius written about 1621, after his escape from prison: "*Ego non desino omnibus mihi recte voluntatibus patriam commendare, cuius amorem, mihi nullæ unquam injuriæ extorquent.*"

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CHAPTER VI.

The three generals appointed to the command were sir William Howe, generals Clinton and Burgoyne; they all had a good military reputation, and it is fair to suppose, that it was for this cause they were nominated, although members of parliament. At the same time they possessed great interest, and it may be presumed that court favour was not entirely absent in their selection.

Sir William Howe, the fifth son of the second viscount, was born about 1729. His brother, the admiral, was then fourth in descent. Howe himself eventually became the fifth viscount. He was in the prime of life, forty-seven years of age, and at this time was member for Nottingham. He had entered the army young; at the attack of Louisbourg he was colonel of the 58th. He was present at Quebec in command of the light infantry; he served in the campaign against Belleisle, and in 1762 was adjutant-general in the expedition against Havanna. He became major-general in May, 1772. Howe therefore had been reared in the best school of soldiering; and there was reasonable expectation, that when placed in prominence, his career would be distinguished, and would not disappoint expectation. But he broke down from the fault, through which so many amiable and able men fail in life, self-indulgence. The fourteen years of peace had transformed him into a fine gentleman of the day. His manners were most pleasing, his courage unimpeachable. At intervals he could shew energy and ability; his judgment was, however, more than questionable: his nature was frivolous, and in circumstances which required caution and constancy of purpose, he was guilty of carelessness and neglect. He was, as Napoleon described one of his generals, by far too *laissez aller* in the enjoyment of life, and had always an excellent

cook, and generally a mistress, was a gambler, and fond of play. He was kindly in his nature, and desired to see everybody about him enjoy himself; he was accessible to all who wished to meet him, and his frank manners exercised an irresistible charm over his subalterns. When at New York he greatly impressed the Hessians by his courtesy and affability.* He was extremely popular with the officers and men, both in the British and German ranks. His faults were even regarded as those of a chivalrous gentleman. In danger he was impulsive. Munchhausen relates in his journal that, for an hour, under the heaviest fire, Howe remained riding from spot to spot perfectly composed, and, at the same time, expresses his surprise that they were not all destroyed.† One cannon ball came so close as to cover the party with mud and dirt. Munchhausen's horse being shot under him, in a few hours Howe presented him with an English charger. Whatever the discredit attached to the generalship of the British leaders, want of courage cannot in the slightest degree be included in their shortcomings.‡

General, afterwards sir Henry Clinton, was the only son of

* One officer wrote of Howe: "Gen. Howe ist mehr werth als eine Armee."

† "Das wir nicht alle Fünfe zermalmt worden sind." Von Eelking, p. 101.

‡ The following is the German estimate of Howe's character, written ninety years after these events: "Er war bei einem vornehmen Anstande freundlicher und zuvorkommender gegen Jedermann, besass aber auch die Energie und Thätigkeit nicht wie Jener; er zeigte sogar bei den wichtigsten Dingen zuweilen eine Leichtfertigkeit und Lässigkeit, die in seiner Stellung unverzeihlich zu nennen war. So wie der ältere Bruder nüchtern und enthaltsam war, zeigte Sir William eine grosse Vorliebe zu sinnlichen Freuden und Genüssen aller Art, worüber er nicht selten seine hohen Pflichten als Feldherr vergaß. Er führte stets eine gute Küche, gewöhnlich auch eine Maitresse bei sich und sah es gerne, wenn auch Andere sich des Lebens freuten. Auch war er Einflüssen Anderer leicht zugänglich, denen er sein Vertrauen nicht selten etwas übereilt schenkte; er liess sich daher leicht von Personen leiten oder bestimmen, die er in Betreff ihrer Fähigkeiten weit übersah. Diese Schwächen rechnete man ihm in damaliger Zeit bei seinen sonstigen guten Eigenschaften nicht so hoch an, als man heutigen Tags thun würde; sie galten bei Vielen sogar als chevaleresk. Daher kam es auch, dass Sir William von den Officieren und Soldaten beider Nationalitäten geliebt und geachtet wurde, wie selten ein Feldherr."

Die deutschen Hülfsgruppen im nordamerikanischen Befreiungskriege, 1776 bis 1783. Max von Eelking. Hanover, 1863, I., p. 29.

admiral Clinton, the second son of the sixth earl of Lincoln. The father had been governor of Newfoundland from 1732 to 1741 and afterwards governor of New York to 1748. The date of Clinton's birth is unknown. At the time of his proceeding to America he was under forty. He commenced his military life in the New York militia as captain-lieutenant. In 1751 he became a lieutenant in the Coldstreams. Seven years later he was captain and lieutenant-colonel in the Grenadiers. He accompanied his regiment to Germany, and from his gallantry was appointed aide-de-camp to prince Ferdinand of Brunswick. His career in Germany was in every way distinguished. He was rapidly promoted to a colonelcy, and was appointed to the command of the 12th regiment. In 1772 he became major-general. Shortly afterwards he was elected for Borough Bridge: in 1774 he had been returned for Newark through the interest of his cousin, the second duke of Newcastle. Clinton's antecedents consequently entitled him to the position he obtained, for he had a good military record. Moreover he was an excellent linguist. Owing to his speaking German readily, his knowledge of German manners, and his kindly genial nature, he was as much beloved by the German troops as by the regular army.*

The name of the third general John Burgoyne, is one not likely to be unknown even to the superficial reader of history; for by the surrender of his force on the Hudson in 1777, he gave the impetus to the colonial cause, which retrieved it from ruin, and his defeat may be described as laying the foundation for the ultimate attainment of American independence. As this memorable campaign was organized from Canada, it will be my duty to give a narrative of it *in extenso*.

* "Clinton, der nun das Obercommando übernommen hatte war einer der tüchtigsten und thätigen Generale, dabei ein gefälliger, humaner Mann. Namentlich war er bei den Deutschen sehr beliebt, da er ihre Sprache und Sitte kannte. Clinton war nämlich im siebenjährigen Kriege mit einem englischen Corps aus England nach Deutschland herübergekommen, und hatte fast den ganzen Krieg bei der alliierten Armee mit durchgeföhrt. Der Herzog Ferdinand hatte den intelligenten Officier, damals Capitain, als einen seiner Adjutanten angenommen. Hier hatte er die beste Schule gehabt, und das, was er hier lernte, späterhin wohl zu benutzen gewusst." Von Eelking, II., p. 8.

Burgoyne had been returned for Preston in 1768 by the all-powerful influence of the Derby family, a place which he continued to represent to his death. Born in 1722, at this date Burgoyne was fifty-five. He was the younger son of captain, afterwards sir John Burgoyne, a member of a family of respectability. His father had begun life in the army, and was one of those reckless men of that time, who spent all they could lay their hands upon, and as a consequence passed no little of his time in prison for debt. He was so unknown in *la haute société*, that Horace Walpole was even unacquainted with his name. Burgoyne's mother was Anna Burnestone, represented to have been the possessor of a fortune, and a great beauty. The latter can well be believed, for Burgoyne was singularly handsome, as the portrait, after a picture by Ramsay, taken when he visited Rome, thoroughly establishes. The father brought to grief the wife's fortune and her beauty, for she is spoken of as being in some form *la bonne amie* of lord Bingley. Such was the openly written scandal of the times. Mrs. Burgoyne, however, was as the French say a *femme couverte*, and it was a family business. Lord Bingley was certainly Burgoyne's god-father, furthered his fortunes through life, and left him a handsome legacy. We have a letter from the sister of lady Charlotte Burgoyne (a Stanley) telling us that lady Bingley was jealous of "poor Mrs. Burgoyne," and so raised these disagreeable stories. Whatever the facts, Burgoyne's family was, in the sense of social rank, highly respectable.

At Westminster, where he was educated, he became acquainted with lord Strange, son of the eleventh earl of Derby, who, dying before his father, never succeeded to the title, but his son became the twelfth earl. Burgoyne entered the army, and at twenty-two was captain in the 13th light dragoons. A year previously, he had run away with lady Charlotte Stanley, lord Strange's sister. As he found he could not live as he thought he should do, he left the service in 1747, and retired to France, where he picked up that imperfect knowledge of French, which passed with his

contemporaries as being so admirable. Burgoyne never had any doubts of his own excellence in this respect, for he parades his letters in his "State of the expedition" as above all criticism. It is by no means a rare occurrence at this day, to meet this insensibility to a want of knowledge of idiom and style, which certainly does not arise from excessive modesty of character.

When the war broke out, Burgoyne's interest enabled him to regain re-admission into the army as junior captain in the 11th light dragoons. There have been few more dashing cavalry officers; his good looks, his youth, his courage, his vanity, the unhappy element of his character, made him a model of a *sabreur*. He served at the attack on Cherbourg, and at Saint Malo. On his return to England he was promoted to be captain and lieutenant-colonel in the Coldstreams, and afterwards placed in command of the 16th dragoons, then lately raised, known as Burgoyne's light horse. He brought this regiment to the highest point of efficiency, and the cavalry memoirs written by him remain worthy of attention. He was present at the attack on Belleisle, and in 1762 accompanied the force to Portugal, and served under the celebrated count La Lippe. Burgoyne behaved admirably, and at Valentia, on the 27th of August, his conduct was the theme of special praise, and made the text of a report to lord Bute, then first minister. He received a present of a diamond ring from the king of Portugal. Burgoyne was promoted to a colonelcy, and he returned to England, having gained great *éclat* in the campaign. At this date he was member for Midhurst, and took his seat in the house. He now possessed a high reputation in social life. His pen was always facile, and his *vers de société*, which do not now-a-days perfectly repay reading, gained him admirers. He wrote prologues for amateur theatricals, and, later in life, several plays. He lived a great deal in theatrical circles, and was a member of clubs where high play at faro was the habit. Junius hints at his being guilty of cheating, but the accusation was unfounded. Burgoyne doubtless played high at times, it is

probable often with recklessness ; but he was incapable of meanness in any form. His faults did not lie in this direction. Of the three officers Burgoyne had the highest hold on the public consideration. He was personally liked by the king, and had many powerful friends ; it may, however, be safely said that he owed his appointment to the general confidence in his ability, experience and courage.*

Mr. de Fonblanque, in his life of Burgoyne, has published a memorandum with his letters of this date, written to further the views he himself entertained, which throw light upon the inner political circle gathered around the king. Burgoyne's desire was to obtain an independent command ; he had cast his eye upon the government of New York, and he was anxious, without abandoning his military rank and appointments, to take a prominent part in civil life. He had formed the opinion that lord Howe felt great disinclination to proceed to Boston. Although the explanation given was the recollection that the people of Massachusetts had erected a monument to the memory of his brother, Burgoyne discovered the real cause was distrust of the ability of lord Gage. Burgoyne, who never at any time was delicate in furthering his own interests, relates his interviews with lord North, and the prominent members of the clique who formed the ministerial council of the king, Jenkinson, lord George Germaine and sir Gilbert Elliott. This happened early in 1775 ; he found Germaine had more information on the subject, more enlarged sentiments and more spirit than any of the ministers with whom he conversed ; and Germaine admitted that he took a leading part in all discussions upon American affairs. No consultation was held between the ministry and the newly-appointed generals. They thus started upon their difficult duty without precise orders, with

* The difference between the promise of Burgoyne's success in the campaign and its deplorable termination, recalls to mind Tacitus' words with regard to Galba : [Historiarum I., p. 49.] "Dum vigebat aetas militari laude apud Germanias floruit. Proconsule Africam moderate, jam senior ceteriore Hispaniam pari justitia continuit major privato, visus dum privatus fuit, et omnium consensu capax Imperii nisi imperasset."

no theory of what policy was to be followed, and without any clear understanding of the end that was to be attained. Some semi-official dinners were given, in the hope that the subject might be informally discussed. The step was taken at lord George Germaine's suggestion, but nothing was said during these meetings. Burgoyne entirely failed in his desire to obtain New York, and he concludes with the notification that North informed him, that the appointment was to be left with Gage; upon which Burgoyne replied, that he knew that Howe was making every interest to gain the appointment, and that doubtless a private hint would be given to Gage as to its disposal.

The memorandum is of value as shewing that lord North, when possessing full power, was conducting the policy of the nation in accord with the irresponsible private advisers of the king.

The troops, with the three major-generals, left on the 24th of February. The latter, in the "Cerberus" man-of-war, arrived at Boston on the 25th of May. The first news heard was the ill success of the event of the 19th of April, and the general feeling of disgust, and even consternation which affected the town. The whole neighbouring country had risen in revolt. Burgoyne, dissatisfied with his subordinate position, was not encouraged by the situation in which he found the force. We learn from his letters the condition in which the troops were placed. They were addressed to lord North, lord Rochfort and the military secretary, Hervey, and are deliberate, carefully-written narratives of what he observed. They clearly establish the incompetence of Gage for his position. He was living passively amid the stirring events which were taking place, without making any attempt to control them; paralysed by indecision; a spectator, not an actor, when the continent was giving unmistakable signs that resistance to the power he represented was being actively organized. With the command of the sea, his garrison was reduced to salt provisions, and cattle were carried off from the islands under the guns of the war ships. The admiral,

Graves, shewed even greater incapacity. Dissatisfied with all he saw, Burgoyne applied for permission to return during the winter, not to avoid the campaign, but to obtain a more congenial position.

To Hervey he wrote very plainly about the inefficiency of the departments of the quartermaster general and adjutant-general. The army was without sufficient bread-waggons and artillery-horses, and the *minutiae* necessary to the movement of troops. Above all there was no mohey. The general had been notified that £50,000 was to be sent; £10,000 only had arrived. Where was the other amount? Where did it lie, who received the interest? Officers had to pay ten per cent on their bills, when they were able to obtain money, now there was none to be had. Difficulty was experienced in meeting the ordinary daily expenses of living. The price of food had immensely increased. Fresh meat could only be bought for its weight in gold, when it could be procured. No one would sell provisions to the troops; they were prevented by terrorism. Those who did so were held up to obloquy and their lives even were unsafe. The only wood obtainable was what the troops themselves had cut and carted to their barracks. Rigby was then paymaster of the forces. The reader of Junius may recollect his "blushing merit"; he was one of the most astute of the "Bedford gang."* It was he who was responsible for the

* We are indebted to the pen of Wraxall for a portrait of this notorious person: "Rigby, sole paymaster of the forces, occupied scarcely an inferior place to Jenkinson in the public estimation, as if he had meant to shew that he acted independently of ministers—he never sat on the government side of the House; but he did not on that account give the less qualified support to the administration. When in his place he was invariably habited in a full-dressed suit of clothes, commonly of a dark or purple colour, without lace or embroidery, close buttoned, with his sword thrust through the pocket. His countenance was very expressive, but not of genius; still less did it indicate timidity or modesty. All the comforts of the pay-office seemed to be eloquently depicted in it, and the *lumen purpureum* which beamed from his features, served as a comment on the text of Junius, when he panegyrises the Duke of Bedford's solitary protection of 'blushing merit' in Mr. Rigby's person. There was a happy audacity about his forehead, which must have been the gift of Nature; Art could never attain to it by any

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failure in the supply of money, and equally for suppressing an allowance of five hundred pounds, which the king had ordered to be paid to each of the three generals for outfit. Burgoyne wrote to Hervey that lord North had informed him of the fact, and that Pownall, to his knowledge, had undertaken that the order should be communicated to Gage, but it was never done. Nevertheless, with the record of this neglect and disregard of all duty, as the result of one of the most aristocratic governments which ever existed, there are men who express dread of liberal institutions.

Seven fresh regiments had arrived. One was stationed at Salem, the new seat of government. One in Castle William in Boston harbour, and five in the city, cooped up without intelligence of what was taking place, as they were without fresh provisions. There was no money to pay spies. The commanding officers, not only were not informed of what was taking place in congress, but were ignorant of what happened half a mile distant: the more mortifying, as Burgoyne wrote, that the information was purchasable. In his letters he recommended the employment of a strong division to force the ascent of the Hudson, a powerful body of men at the same time acting from Canada: it is the first sketch of the campaign which was to prove so disastrous to his fortunes.

The events which followed the affair at Lexington are so well known and undisputed, that they call for slight mention. The extreme party became everywhere dominant, and in the leading provinces measures were taken for immediate resistance. The congress of Massachusetts voted the enrolment of 13,000 men, calling upon the remaining New England colonies to increase the number to 30,000. Paper money was issued to the amount of £100,000; Rhode Island voted 1,500 men; Connecticut 6,000: New Hampshire determined

efforts. He seemed neither to fear, nor even to respect, the House, whose composition he well knew; and to the members of which assembly he never appeared to give credit for any portion of virtue, patriotism, or public spirit. Far from concealing these sentiments, he insinuated, or even pronounced, them without disguise, and from his lips, they neither excited surprise, nor even commonly awakened reprobation."

to await the action of congress, summoned to meet in May. In New York there was opposition to the revolutionary movement, but the corresponding committee drew up a declaration of rights, which every one was called upon to sign, those declining to do so becoming marked men. At Philadelphia, volunteer armed associations were formed. In Virginia, Henry came again actively to the front. Strong sympathy with New England was expressed in North Carolina. The continental troops, however, assembled in small numbers and slowly at Boston ; and, up to the middle of May, those present might have been dispersed if Gage had been active in his duties and in a position to take the field. No attempt to dislodge them was made. The very inactivity of the large force at Boston, the only spot in America south of the Saint Lawrence where there was a semblance of British power, caused those who were wavering in their opinion to decide in favour of armed resistance. The active minority were thus enabled to commit the whole population to its support. The failure to take any steps to resist the hostile movement, which had its origin in the affair at Lexington, suggested that the only safety obtainable to person and property by those opposed to separation was by their acceptance of the colonial cause.

An event had at this time taken place on lake Champlain which greatly strengthened the revolutionary party. There had been a controversy between the settlers on the east of lake Champlain, the present state of Vermont and the New York legislature, relative to the sovereignty over the territory. The population, small as it was numerically, claimed to be independent of that province, and had shewn a determination to establish a separate government. The legislature of New York, resenting this defiance of its jurisdiction, had gone to the length of offering a reward for the apprehension of the persons prominent in this agitation. It was, however, the time of revolution and defiance of law, and these few settlers, "Green Mountain Boys" as they called themselves, felt themselves justified in following the example of congress and

accordingly determined to free themselves from a relationship which they repudiated. A convention, consequently, had been called in April, when the authority of New York was openly denied, and steps taken to establish an independent community.

It was no doubt considered indispensable to obtain, if possible, the sympathy of congress with this movement. In the discussions which had arisen as to the policy to be followed, in the event of resort being had to armed resistance, the seizure of the two forts, Ticonderoga and Crown Point, commanding the southern part of lake Champlain, had been considered as necessary to the success of the provincial cause. On hearing the news of the fight at Lexington, the inhabitants of Vermont organized an expedition, and early in May had obtained possession of them. I will relate this event more particularly in the succeeding book, in which I describe the Canadian campaign of the year.

On the assembly of the continental congress at Philadelphia, in May, one of the first measures was to form the body into a committee of the whole. Again was repeated the oft made declaration, there was no desire of severing the connection with the mother country, and that all the colonists hoped for was peace; but at the same time, the recommendation was made, that the country should be placed in a position to resist arbitrary taxation by parliament. It was voted that it was useless again to address parliament; but Dickenson was able to carry a motion that a petition should be sent to the king. It was resolved that no provisions should be supplied to the regular army or navy, no money given for the bills of exchange of officers; and that no colonial vessel should be used for the transportation of troops. A committee was appointed to draft addresses to the people of Great Britain, of Ireland, of Jamaica, and the "oppressed people of Canada." A day for fasting and prayer was named. It was resolved that no obedience was due to the altered charter of Massachusetts. The concentration of the men called out followed. Washington was unanimously appointed commander-in-chief, a

selection which undoubtedly assured the independence of the revolted provinces.

The troops of congress assembled around Boston, to the number of sixteen thousand, and although the royal forces in the city of Boston amounted to ten thousand, an attempt was commenced to blockade them within the limits of the town.

For the succeeding two months, although the scattered condition of the provincial troops, their want of discipline, the absence of organization, and the imperfect manner in which they were armed, would have made it almost impossible to resist a well-directed attack by the British troops, Gage remained perfectly quiescent. The only explanation possible for this inactivity, and unless substantiated it would seem to be out of the pale of probability, is that furnished by Burgoyne in his letters: that neither horses, nor provisions, nor the necessary material for the field, permitted any such enterprise.* That such should have been the case, was owing to the miserable incompetence of the home ministry, especially of Dartmouth. The large force had been despatched, without the means of sending it five miles from the wharf where the troops landed. Germaine to the last affected to

* The language of Burgoyne is unmistakable. It is found in a letter addressed to Hervey, military secretary at the Horse Guards, and first published by Mr. de Fonblanque (p. 140). The position held by Hervey is a guarantee that Burgoyne would make no such complaint unless able perfectly to substantiate it. What gives greater interest to the statement is, that it was made on the 14th of June, three days before the attack on the fortifications of Bunker's Hill. "At my arrival I found army and town unrecovered from the consternation into which they had been thrown by the ill-success of April 19th, and from the general revolt which had followed. I lament the manner in which the plan of that day was conceived and executed, and the general state of our military management; great part of our defeats [? defects] owing to want of capacity in the departments of the Quarter-Master-General, and Adjutant-General; * * *

"The necessity of exertions in England to put us in a condition to act, particularly in the great articles of magazines, of which we are totally deficient, as well as of bread-waggons, bât-horses, artillery-horses, and many other articles necessary for an army to move to a distance—but chiefly money, with which the military chest is unprovided."

believe that, there was a loyal population which would furnish all that was necessary in the shape of provisions and transport. But that a ministry which had adopted the threatening policy of sending out troops to commence active operations in the colony, which had been pronounced to be in a state of rebellion, should assume that what they omitted to provide could be readily and easily obtained on the spot, shews an extent of fatuity scarcely credible. By many of the population the British soldier was regarded as an enemy, and to refuse him food was considered a virtue. No more deplorable spectacle of folly was ever witnessed. Unhappily, in any dilemma of this character, Gage had neither the genius, the determination, nor the administrative ability to rise superior to the situation. All he could do was to remain passive and permit the revolution to drift forward.

One extraordinary mark of neglect on Gage's part was his failure to seize the two heights of Breed's and Bunker's hill, behind the town of Charleston, separated from Boston by a narrow stretch of water. These eminences dominated the lower ground, and in possession of an enemy might furnish a point for cannonading the city. Gage finally decided to occupy the position. Everything that Gage proposed became known. On the night of the 15th of June, some engineers from the provincial camp were sent to Breed's hill to throw up intrenchments, and to hold the ground. The work on which they were engaged was seen on the following morning by the British with surprise, and an order was given to bring the cannon from the ships to bear upon them. The fire proved of little avail, and as the completion of the intrenchments was persevered in, it was resolved on the 16th of June to dislodge those engaged in their construction.

In the afternoon at three, the attempt was made to storm the heights. It is scarcely possible to believe that the troops were encumbered with their knapsacks and three days' provisions, and had to scramble up a hill eighty-five feet in height, covered with brushwood and occasional fences. As they came upon the ground they were fired upon by some

riflemen posted in the houses in the suburb of Charleston; so Howe, who was in command, gave orders to burn the place.

The proper mode of attack would have been to have occupied the ground at the neck of Breed's hill, and to have made the attack by the rear; but by the blundering which was characteristic of this unhappy war, the attempt was made to storm the position from the front directly by the ascent. Had the former course been taken with some strong battalions and artillery, there is not much doubt that little resistance would have been experienced. As it was, the men in the intense heat of a June day, present in the field in heavy marching order, had to force their way up the rugged ground to make the attack. The provincials in the intrenchment reserved their fire until the near approach of the column, and the men were shot down as they advanced, by the numbers in position on the height: the line recoiled. Again the advance was made, and again the volley so disordered the ranks that they retreated.

Another disgraceful piece of negligence was, that the balls sent over for the guns were too large to be used, so the artillery could not be brought into action. It was a critical moment, when, without orders, Clinton moved two battalions under his command across the water. The troops were rallied, and with the reinforcement the charge was again made. The intrenchment was irresistibly carried at the bayonet's point. The provincials were dislodged and put to flight. While passing the neck of land they suffered from the fire of two cross batteries. About two thousand British troops were engaged; of this number, nineteen officers, two hundred and seven rank and file were killed: seventy officers, seven hundred and fifty-eight rank and file wounded. The provincials' loss is variously given from one hundred and fifteen to one hundred and forty-five killed; from two hundred and twenty-six to three hundred and four wounded; and thirty taken prisoners. It is difficult to determine the number of provincials in the field; they have been estimated from four to seven thousand; but whatever the number, the men present were equal to the

duty assigned them. Accustomed to the use of fire-arms, all that was exacted was to remain steady, and fire with deliberation on the advancing column.

The fight at Bunker's hill had this importance: it proved that the colonists were prepared to fight, and would do so; that they were expert in using the arms they possessed, and in certain circumstances would prove formidable antagonists. It was the commencement of a war to be distinguished by conditions unknown in European warfare, which the absence of caution, the fatuity of self-indulgent habits, and the incompetence of the British generals, to the last, prevented them from thoroughly understanding.

I cannot see that there is ground for the opinion that the action at Bunker's hill exercised the great influence on the revolutionary movement that has been assigned to it. It awoke no new ebullition of sentiment, for the passions of men had been sufficiently excited by the event of Lexington. And although the event bore full testimony to the determination of the colonists who were present and fought the battle, it had been on their part a defence behind retrenchments, and from this vantage ground they had been displaced at the first charge by the bayonet. Clinton had correctly seen that the advance of a force trusting to the discharge of musketry must only be driven back before the large numbers upon the height, who could deliberately shoot them down as they struggled upwards. He relied, therefore, alone on the bayonet charge, the troops ascending as rapidly as they could advance. The provincials recoiled before it. With all the favourable circumstances of their position, their loss had been very great, four hundred and fifty-men *hors de combat*. It was an insufficient consolation to be told that the attacking force had lost more than double the number; and, in this point of view alone, the result of the action must have caused grave reflection with many of the revolutionary leaders, who looked upon the contest from the standing point of the responsibilities it involved.

The destruction of the intrenchments prevented any

operations being taken against the city in the form of bombardment, and Gage rested satisfied with this condition. Washington joined the army a fortnight after Bunker's hill, and commenced the organization of his force, which he found almost destitute of ammunition and indifferently armed.

I have alluded to the class at this date most unhappily circumstanced ; those who were attached to the cause of the mother country, and precluded from all action by the irresistible terrorism directed against them. There were likewise many who may be named in connection with them, whose sympathies inclined to the provincial cause, but who were opposed to separation and to the appeal to force. The constant expression of attachment to the mother country, insincere on the part of several loudly professing the feeling, furnishes a proof of the strength and prevalence of this sentiment in a large section of the population. The argument of the republican party had now resolved itself unmistakably into one of force ; but it in no way represented the opinions entertained by the great body of the colonists. That party had, however, become relatively strong by its organization, its earnestness, the unceasing advocacy of its opinions, and, above all, by the vacillating, ill-directed policy of the home ministry. With an enlarged, generous view of the situation, sustained by a powerful, well-organized and well-equipped force, commanded by a general fit for the position, in a few months the revolt might have been subdued, for its strength was more apparent than real. There was at the heart of congress an absence of true concord, and the presence of much doubt and hesitation with regard to the future. The desire for independence was avowed ; but the means of attaining this end was problematical. Congress was without money, army and organization. The numbers who had left their homes for the cause had courage, were willing to endure hardship and to fight, but they were without discipline. The plans for future action were ill-defined, and in the executive sense, irresolute. At this date a serious reverse to the colonial cause, followed up with energy and judgment, would have assured submission.

There was no such policy in the imperial interest to be hoped for. In London the ministry were half-hearted and incapable of understanding the necessity for action. In public life, the exceptions were those who desired coercive measures ; an opinion accepted more from deference to the king's wish, than from a sense of its wisdom. At this date George III. desired to be the central point in the monarchy, acting up to the words attributed to Louis XIV., *l'état c'est moi*, an end he found to be obtainable by the simple expedient of gaining the support of members through the purchase of their votes. He was thus enabled to enforce his views and opinions upon the ministry; for office could only be held so long as the personal sentiments of the monarch could obtain the fullest recognition.

The king obstinately adhered to the principle, that as a symbol of its authority, a tax, however small, should be continued on the colonies by the vote of parliament. Its abolition appeared to him a departure from his sovereign rights, and it was of no importance, if the effect of the tax was hurtful or not. Its very imposition gave strength to the party who desired separation, and thus the unhappy circumstances of those passions being called forth can, to a great extent, be affiliated to the sovereign. Later in his reign, in a critical period of history, the king refused to grant rights to the Roman catholics of Ireland, when they should have been ungrudgingly accorded. The mischief from this incapacity to discern where duty pointed, has remained for a century in activity ; and at this day we still remain reduced to the hope it will pass away.

Nevertheless, the memory of George III. forms no painful passage in our history. As time has deadened the recollection of this obstinacy, his name is mentioned with invariable respect. The triumphs of the great admirals, in after years achieved by the navy, and the bravery and endurance of the British soldier, have thrown in the background the want of statesmanship and the miserable mismanagement during the American war. The personal character of the monarch

stands above reproach. His love of truth, his courage, his deep and sincere religious convictions, worked an effect upon the nation still to be traced. What is now especially remembered is the observance given by him to the sanctity of the family relations, and the simple habits which recoiled from the stupid dissoluteness of the revellers and gamblers of the day. The men and women who paraded as leaders of fashion in those roystering days to give the tone to high life, accepted their position as a natural prerogative without a single thought of its duties and obligations. In vain we seek, in the record of the lives of those bearing historic names, any trace of wit, intelligence, nobility of thought, or patriotism. There was never so dreary a period in the history of literature, art, science, and political duty. The time extended to the regency, when vice and folly were triumphant, accompanied by an insolence of manner which to-day would not be tolerated for an hour. It was an unseemly spectacle, unredeemed by the graces and enchantments, often discoverable in characters otherwise reprehensible. With some rare exceptions the general standard of education was low, the pleasures of the time were coarse and demoralizing, and in public life the professional politician thought more of his personal advancement than of the dictates of patriotism, or of the means by which he forced his way to the first ranks.*

The example of George III. in this crisis of history cannot be sufficiently retained in the national memory. It is in this

* Two stories rise to my mind which, in a different form, reflect the manners of that day. In the one case shewing the extent that scholastic training remained a living influence in political life, and the other how fashionable folly affected men of rank, whose natures were otherwise irreproachable. The first is lord North's correction of Burke's false quantity in the quotation from Cicero, "non intelligent homines quam magnum vectigal sit parsimonia." Burke made the "i" in "vectigal" short, immediately to be corrected by North. The second has reference to the duke of Devonshire, the husband of the beautiful duchess Georgiana. The duke was in the habit of staying late at Brooke's at play. As he returned home in the early morning, he had to pass by the stall of a cobbler frequently opening his stall to go to work. The two learned to know one another and to exchange salutations. That of the duke was "Good-night, my friend," that of the cobbler was "Good-morning, sir."

light, in his simple tastes, his undoubted patriotism and his true feelings of piety, that he is remembered.

Men of the mental calibre of the king listen to no advice. They have faith in all they themselves do, and being satisfied of the rectitude of their own intentions, equally believe in their own wisdom. Unfortunately, from his early years, those about him saw the weak points of the king's character, and found it to their profit not to run counter to, but rather to profit by them.

There is likewise in political life a class who find it impossible to refuse a royal solicitation. So few of us are subjected to this temptation, that it is somewhat difficult even to conceive the magnitude of the appeal. Of this class was lord North ; his continued compliance with the king's wishes, against his judgment, may be described as proceeding from a false standard of duty, and excessive amiability of character rather than from motives of interest. His memory, however, cannot escape the censure of posterity, for he inflicted great evils on his country. Thurlow, Germaine, and the minor politicians who accepted this condition, appear to have had no such redeeming sentiment, and their opinions were turned to the side on which lay the greatest promise of future distinction.

I have endeavoured in this book to give the causes which, in a quarter of a century after the conquest of Quebec, influenced the American colonies to rise in arms against the mother country. It has become the custom with many modern writers to attribute to the malign policy of the home government alone, the origin of this ever to be deplored dismemberment of the empire, as if a deep spirit of dissatisfaction was, as it were, spontaneously called forth without antecedent causes. They also represent the provinces as constantly desirous of returning to their ancient allegiance, but as being always restrained from thus acting by the unfeeling injustice they experienced: that, in spite of strong feelings of loyalty to home they were by misgovernment driven into separation. The history of those days, if fairly read, does not inculcate this teaching. One of the main incitements to

discontent sprang from the commercial restriction, which, in spite of the experience of centuries, still has its advocates. Trade, like water, must find its level, and if dammed back will force a vent, by overflowing in one form or another the artificial restraints which confine it. Had the prosperity of the provinces been allowed a natural and perfect development by freedom of trade, we should have heard little of those strained special appeals to liberty which were constantly paraded to influence the passions of men, discontented, not without cause, with much that was around them.

In no quarter is it more a national duty than in the present United States, that a true and honest view should be taken of this contest. These states form a nation of upwards of sixty millions of people, and they have become one of the powers of the earth. Their mission is to use their strength wisely and nobly, for the advancement of an enlightened civilization, for the establishment of true liberty, for the furtherance of the healthy doctrine of honesty, thrift and those pure habits of life, which lead to the happiness and elevation of the human race. The days of the fourth of July orations have passed away. There is no need to create myths concerning bygone events, or to raise very ordinary individuals to the rank of Titans and demigods.

One name alone in the history of American independence stands forth unapproachable in any other chronicle. Washington, in the world's text-book of political honesty, unfailing wisdom and true liberty, is what Shakespeare is to the English-speaking race in literature, poetry and nobility of thought. To how many of us, the words of the great poet have become an incentive to exertion in our daily struggles, a hope in our disappointments, a consolation in our sorrows. Washington's example tells us, all that can be effected by true and unselfish patriotism, unflinching honesty of purpose, and high principle, blended with a judgment which never slumbered, and an all-seeing forethought never overmatched.

It is in the United States that the sternest and most searching inquiry should be instituted as to the events which

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culminated in the disruption of the empire, from which as a people they sprung and to which they owe so much. The one effort should be to reach the truth, not to magnify the causes of discord and invent reasons for the perpetuity of the enmity which then arose. It is the duty of the first minds in the republic, to probe with philosophic calmness the character and motives of the instigators of the quarrel, to note how the points of dispute were changed and extended, as they became developed into the desire for separation, and how fresh fuel was constantly added to the old fire. There was much greatly to be blamed and condemned in the conduct of the mother country, but the time has arrived when the fact must be honestly avowed, that the censure did not all lie on that side.



BOOK XVIII.

THE INVASION OF CANADA BY THE TROOPS OF
CONGRESS, 1775-1776.



CHAPTER I.

As the discontent in the old British provinces increased in intensity and plainness of speech, the desire of including the new province of Canada in the agitation became stronger and more general. I have related in a previous book the effort made to obtain the co-operation of the French Canadians, by a printed appeal to their prejudices and interest, actively distributed among them, and earnestly sustained by men in sympathy with the colonial cause. As it generally happens in any revolutionary movement, those who were in the first rank in urging matters to extremity, took the most sanguine view of the situation, and prophesied the certain success of a well-directed attack against the province. The most prominent of the English speaking population, who were in communication with the New England leaders, represented that the weak condition of the province, from being almost denuded of troops, made any organized defence impossible; and while they recommended, that the troops of congress should invade Canada, they pledged their own adhesion and support to the attempt. The French Canadians, under the most unfavourable estimate of the course they would take, were looked upon as certain to remain neutral, while many were counted upon as likely to prove active partisans. Accordingly, it came to be regarded as an established fact by the provincial leaders, that the possession of Canada could, without difficulty be obtained, whenever the attempt was made to seize it.

It has been stated that on the affair at Lexington on the 19th of April becoming known, the forts of Ticonderoga and Crown Point were surprised and taken in possession. As the attack was made on the 10th of May, within a month of the first act of resistance, it is not easy to trace the influences

which brought about this undertaking, or under what inspiration it was conceived. It is noteworthy in the history of the war as the first deliberate act of aggression, for the affair at Lexington may be regarded as resistance to authority exercised in opposition to popular feeling. Except that possession of the fort removed the possibility of interference with any expedition by lake Champlain against Canada, and that Ticonderoga became the point where the organization subsequently took place, no durable consequence was attained; for in the following year the provincial forces were able to retain their hold of lake Champlain for a few months only. The blow, however, from the boldness of its execution and the success which attended it, greatly aided the revolutionary cause. It called forth more general confidence, and communicated a higher spirit of resolution; moreover, it influenced many who were wavering, to declare in favour of the colonial cause.

United States writers inform us that the expedition against lake Champlain had been considered in the Massachusetts committee of safety, a body consisting of thirteen members. It is probable that it may have been generally advocated as desirable; but it could only have been vaguely entertained, for there was no means of carrying it out. After Lexington, when troops commenced to assemble around Boston, and with a large body of the population the feeling was entertained, that the time had come for action, this project, among many others, may have been discussed. There were, however, neither men nor material available; and but for causes totally independent of the force gathered in Massachusetts, more or less delay must have arisen before any expedition could have taken the field.

It has been said that early in the year Vermont had declared its independence of New York.* This movement had its origin on the eastern shore of lake Champlain, where the defenceless state of the forts was known, and it was in this spot that the organization of the attacking force was made.

* *Ante*, pp. 390-1.

The two prominent persons of this population, which took the name of "Green Mountain Boys," were Seth Warner and Ethan Allen. Although at this time Allen was a strong partisan of the revolution, in after years he entered into negotiations with the British Government for the transfer of Vermont to Canada, and any reverse to the American cause would have soon found him on the opposite side. Like others of his position in life, he had no clear sense of the points of quarrel, and although he had accepted the opinions of the Massachusetts agitators in their appeals to patriotism and duty, he would have been sorely puzzled to have specified where his own liberty and rights had been assailed. He had never a very profound reverence for law, as was shewn by his setting at naught the legislature of New York; and, but for the disputes of the time, he might have passed some months in prison owing to his defiance of the authority of that province. His vanity was great and his love of notoriety extreme; in a few weeks his gratification of this feeling was to cause him to be sent in irons a prisoner to England. No one knew better than Allen the loose discipline of the forts, the duty of the detachment being simply the preservation of the building, and the guns it contained. The few soldiers present often lent a helping hand in rafting timber on lake George, and in loading vessels on lake Champlain. Consequently, there was little chance of failure if a few determined men, in sufficient force, on a favourable opportunity made an attempt to take the post in possession. From whomsoever the idea had its origin, Allen relates that he received instructions from the then colony of Connecticut to undertake the enterprise. On this he acted, for he was without any authority from congress.

Having collected the men to accompany him, he tells us he sent out parties to take possession of the roads by which the garrison could communicate with Canada, but this fact does not agree with his narrative. By a forced march from Bennington, where the assembly had been made on the night of the 9th of May, he arrived with 230 men at lake Champlain opposite to Ticonderoga. There was difficulty in

obtaining boats to cross what Allen calls the lake. The spot, however, known as the narrows, is a mere stretch of water of a few hundred yards in width, of so limited extent that on Burgoyne's advance two years later, 1777, a bridge of boats connected the two shores. Allen first landed with eighty-three men. He relates that it was now about five o'clock of the 10th of May, and, although the rear-guard had not crossed, he resolved to attack with this number. Allen's narrative is written to convey the belief that having only this limited force at his disposal, he was undertaking some bold enterprise; whereas the one hundred and fifty men on the eastern shore joined him in the few minutes required for the boats to be pulled across the narrow breadth of water, and to return.

An entrance was obtained at the wicket-gate under the pretence that a messenger with orders, for the commandant, desired admission. On the wicket being opened a rush was made, and the sentry and the few men of the guard were overpowered. Allen demanded to be led to the commanding officer, captain de La Place. The garrison consisted of a subaltern, a gunner, two sergeants, and forty-four men. As Allen and his force advanced to the commandant's room, the latter, hearing the unusual noise, jumped from his bed, and, half-dressed, met Allen, who called upon him to surrender. De La Place naturally asked to whom? Upon which Allen declared that he demanded the fortress in "the name of the Great Jehovah and the continental congress." The remainder of the garrison were made prisoners in their beds.

Allen does not relate the fact, but other writers state that stratagem was also employed to make resistance impossible. Stedman tells us that Allen had often been at Ticonderoga, and the day previously he went to "captain de La Place with whom he was well acquainted, and prevailed on him to lend him twenty of the garrison, for the pretended purpose of assisting him transporting goods across the lake." Allen contrived to make them drunk.* With the money received

Stedman, Vol. I., p. 131.

for the service, the men on their return to the fort included their comrades in the *gaudeamus*.

Those days cannot be named as the triumph of temperance societies; the consequence was that the sleep of the small garrison was deep, a number of the men being well plied with liquor. The success of the attempt has been related as a wonderful feat; reduced to sober proportions as a military exploit, it is a commonplace affair enough. The merit attached to the enterprise was the conception of mastering the forts. In that view, from the standing point of the colonial party, it exacts respect for the energy and rapidity of movement displayed. Those who praise the success of the attempt, fail to place on record that the attack took place in profound peace, unprovoked by aggression, in a remote part of the country, where news travelled slowly. Even if some questionable report of the Lexington affair of the 19th of April had reached the Ticonderoga garrison, it is certain that no attack was apprehended, or indeed conceived possible; the act of hostility, therefore, was as much a moral as it was a military surprise.

While the attack upon the forts was being planned by the Connecticut leaders, independently of any orders from the commanders of the troops assembling before Boston, the subject of the attack of the forts on lake Champlain had attracted attention, and steps had been taken by the latter to effect their capture. Arnold, who was present as a captain from Connecticut, received a commission as colonel, and was ordered to Vermont to enlist men to carry out the enterprise.

We first meet on this occasion the name of Benedict Arnold. During the succeeding twelve months he took a prominent part in the invasion of Canada, and remained in the province in high command, for the whole period of occupation by the troops of congress. I find difficulty in accepting the high military reputation generally accorded to his career at this period. The memory of the work of a man of eminence, whatever its nature, survives him as evidence of his fame. Arnold's name first became celebrated by his expedition to

Quebec ; subsequently by his behaviour in the field at Saratoga during Burgoyne's expedition. It will be my duty to relate at length these events, for they form a part of the history of the province. The reader will best be able to judge the merit of Arnold's service as he reads the narrative of it. On the latter occasion, Wilkinson, in his memoirs, represents him as having been removed from his command by Gates, and as leaving the camp during the action of the 7th of October, under strong excitement, with no duty assigned to him, riding furiously before the troops without object, calling out to them with no purpose, until he fell wounded in front of the redoubt held by the Brunswick troops, his horse being killed. No military duty dictated this behaviour, which was even subversive of discipline. As the narrative is given by Wilkinson, Arnold's conduct is not only undeserving of praise, but calls for censure. His active service in the provincial army closed with this campaign in 1777. After this event, his wound incapacitated him from sustaining fatigue. In 1778 he was in command at Philadelphia; two years later occurred his treason at West Point. Thus the whole period of his active service was the three years 1775-1777.

So far as his career can be traced he was born at Norwich, Connecticut, on the 14th of January, 1741. On his appearance at lake Champlain, he was but a young man, thirty-four years of age. His family was one of respectability, and had been originally domiciled at Rhode Island, of which state a Benedict Arnold, of a previous generation, was on two occasions elected governor. The latter died in 1668. At Arnold's birth the family had become somewhat impoverished, and his parents occupied the position of tradespeople. They had then moved to Connecticut. There is evidence that his mother was a woman of unusual character and ability. Arnold's own letters, although faulty in spelling, are those of a man fairly, if plainly educated, and they shew his acquaintance with the usages of social life. Little is known of his early years. It is admitted, however, that he twice enlisted on the breaking out of the war in 1756. In the first instance, in

some unexplained way, an influence was exercised on his behalf by which he was enabled to leave the ranks. On the second occasion, his biographer describes him as having deserted. We hear of him soon after as employed by the brothers Lathrop, who are spoken of as men of education engaged in business. We find him in 1765, established in a store in New Haven, Connecticut, as a druggist and bookseller, and he seems to have been engaged in some business relationship, in consequence of which he is said to have visited Quebec and the West Indies. Smuggling was at this period practised by everybody in Rhode Island and the seaports of Connecticut, and it is probable that the sea adventures of Arnold were in this direction. During his whole career he retained a love of speculative undertakings, and embarked in many commercial operations which, as a rule, proved unsuccessful. The embarrassments arising from the failure of enterprises undertaken by him when in Philadelphia, has been assigned as one of the principal causes for his engaging in the fatal correspondence with Clinton, the discovery of which caused his flight from his command, and led to the arrest and execution of André.

In 1769 Arnold married at Norwich, Margaret Mansfield, the daughter of the sheriff of the district. The portrait we have of him suggests that in his youth he was eminently handsome; he certainly succeeded in causing his second wife, Miss Shippen, to be devoted to him. She was a woman who had always lived in good society, and could not have formed an attachment to any one of vulgar address or manners. Arnold has been spoken of as a horse-dealer and jockey. There is no ground that I can find for connecting him with this class as a calling; it is not improbable he may have taken part in races as a matter of taste. Indeed, on the point of family respectability, he belonged to an older and better known family, with some exceptions, than most of the revolutionary leaders, even if its fortunes had somewhat decayed.

The capture of Ticonderoga and Crown Point joined to his

service in command of the sloops on lake Champlain, brought his name into notice. The report of his gallantry on these occasions being greatly magnified, assisted him in obtaining command of the expedition against Quebec, which remains to this day one of the best remembered incidents of the war. The accepted opinion regarding it is that it called forth great qualities, and that much privation and hardship were endured. It will, however, be seen that it was a very ordinary affair. There was no originality of discovery in following the line of route, for it had been previously traced and made known by the report of captain Montresor. The highly coloured account of the hardships experienced in the months of September and October can only be received with incredulity by anyone acquainted with the Canadian climate ; it may be said, even with ridicule. In one sense the expedition was ill-judged ; it was made on the representation of parties in Quebec disaffected to the British government that the country was ready to receive the troops of congress with open arms ; that on their appearance the gates of the city would be thrown open, and all that was to be done was for them to enter and take possession. Without this assistance there was slender prospect of success. Had the French Canadians on the Chaudière declined to furnish supplies, and had even a moderate force harassed Arnold's advance in place of assisting him with food and countenance, his party would have been annihilated.

Washington was a Virginian, and believed the stories he heard of the Canadian high lands being covered with snow in October, of the hardships suffered, and the other fables related in connection with this expedition. The acceptance of them has been the basis of Arnold's reputation, and the favour in which he was received at the period. From the whole of Canada, excepting Quebec, being held by the forces of congress, Arnold's achievements obtained increased importance. Moreover, he was wounded in the assault at Quebec on the 31st of December. He remained with his command during the occupation of Canada until the arrival of rein-

forcements permitted Carleton in the spring to drive out the invaders.

Arnold was next engaged in the organization of the naval force created to hold possession of lake Champlain ; he was defeated by Carleton on the 5th and 6th of October, 1776. He was present in May, 1777, when Tryon landed near Fairfield and marched to Danbury, not far from the western boundary of Connecticut, where he destroyed a large quantity of provisions, and burned the magazines. Some regiments of the provincial militia were called out to intercept the return march of Tryon. Wooster, in command of the column acting in the rear, was killed. Arnold joined the second division as a volunteer, and took command. He shewed, as was always the case with him, great courage, and had his horse shot under him. The provincial forces failed entirely in intercepting Tryon's march, although inflicting upon him the loss of 57 killed, with 115 wounded and missing. On this occasion, Arnold was promoted to the rank of major-general, and congress presented him with a horse.

Again Arnold, in August, came to the front, and led the force to the relief of fort Stanwix when attacked by St. Leger ; but the latter had retreated before Arnold reached the spot. As I have remarked, he was present on the 7th of October at the action with Burgoyne. On all these occasions, Arnold distinguished himself by undaunted courage, and a readiness to engage in any enterprise ; but there is no trace in these expeditions of any military skill, or of that extraordinary aptitude for war, with which he has generally been accredited. His conduct shews him to have been more influenced by a feverish desire for distinction, and a love of notoriety, than by any other principle. He was one of the class always pushing themselves to the front, forcing the occasion, seldom to effect their purpose. As a leader in a desperate assault, it is possible that few men would have surpassed him ; but there is no indication that he possessed that calm, wise courage, such as distinguished Washington, which rises superior to ill-fortune, and which, in the midst

of disaster, perseveres in its purpose, and becomes extinct, only when it ceases to be animated by the life-blood of its possessor.

Arnold attracted Washington's attention early in the war. He was impressed with Washington's character, and the latter, in his knowledge of men, saw how useful Arnold could be made. In the contemptible cabals at headquarters against Washington, Arnold ranged himself with his party. To the last, Washington gave his confidence to Arnold, and probably no man in the army was more astonished at his treason. A sober examination of Arnold's services can lead to no other conclusion than that there is little ground for his high reputation as a general. The favour shewn to him by George III.; the rank given him in the British army, the large sums of money he received, the pension granted to Mrs. Arnold, and the consideration shewn to his family, have excited the astonishment of many writers. His sons and grandsons for the most part entered the British service, and in every case highly distinguished themselves.*

* Arnold's subsequent duel with lord Lauderdale attracted attention at the time, but is now forgotten. The meeting grew out of what was said by lord Lauderdale in the house of lords, 31st May, 1792, at the debate on the king's proclamation against seditious meetings. Lauderdale alluded to the camp at Bagshot, as established to overcome the people, and destroy their endeavours to obtain reform, and which the duke of Richmond was to command. "If," he said, "apostacy was to justify promotion, Richmond was the most proper person for that command, general Arnold alone excepted." On the speech being made publick Arnold sent a message to Lauderdale by lord Hawke. Fox attended Lauderdale. The meeting took place at seven o'clock of a Sunday, a short distance from London at Kilburn.

Lauderdale received Arnold's shot without returning it. Hawke therefore called upon him to fire. Lauderdale declined to do so, with the remark that he had no personal enmity to Arnold. Upon this Hawke said that he supposed Lauderdale did not mean to asperse Arnold's character. Lauderdale replied that he did not mean to wound Arnold's feelings; he could not explain what he had said, and Arnold might fire again if he saw fit. Hawke said that was impossible. Lauderdale answered that he could not retract his words, but he would say he was sorry if any man felt hurt by them.

Arnold pointed out that it was not a proper apology, and called upon Lauderdale to fire.

After the exchange of some words, Lauderdale made the statement, it is said

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On his arrival at Bennington, Arnold finding the Vermont force assembled, produced his commission and demanded to be placed in command. Allen declined to recognise the claim, consequently Arnold accompanied the expedition as a volunteer. But he took no leading part in the enterprise, and his name is not even mentioned by Allen in his narrative of the capture. It was not until the surrender of Crown Point, that Arnold obtained recognition as an officer of congress.

The troops who had been surprised at Ticonderoga were sent prisoners to New York under escort, the fort was occupied and the ammunition and stores taken into account. One hundred pieces of cannon, with powder, and much provision, were obtained. When these matters had been accommodated, Seth Warner was despatched with a force of one hundred men to Crown Point, held by a sergeant and six men. Resistance being out of the question, they were disarmed and made prisoners, and sent to join the late garrison of Ticonderoga. A council of war was now held; it was resolved to send a strong party to Skenesborough at the head of the narrows, twenty-two miles from Ticonderoga, the present Whitehall, to man the schooner lying there, and descend the lake. Arnold was placed in command, accompanied by a strong party in *bateaux*; the expedition started for Saint John's in order to surprise an armed vessel known to be lying there, before the news of the attack of Ticonderoga and Crown Point was reported in Canada, and troops could be sent to protect the place.

The wind being fair, the schooner was the first to arrive. The fort at Saint John's was simply a military station held by a sergeant and twelve men. Not expecting any attack, they appeared unarmed on Arnold's arrival, and were at once made

suggested by Fox, that he had no enmity against general Arnold, that he did not mean to asperse his character, and was sorry that he, or any other person should be hurt by what he had stated.

Arnold said he was satisfied with this apology, if his second considered he ought to be so. There the matter terminated, a *procès verbal* of the whole being drawn up by lord Hawke.

prisoners. The vessel was taken in possession, manned and sent down the lake, carrying away the few troops who had held the place.

The news of the loss of the forts on lake Champlain, and the seizure of the vessel at Saint John's, was carried to Montreal by one Moses Hazen. He had been an officer of the 44th, and was living upon his property in the neighbourhood of Saint John's. It was afterwards shewn that he had embraced the cause of the colonists; for during the occupation of Canada by the troops of congress, he obtained the rank of colonel and joined the force, finally leaving the country with the detachment when driven out by Carleton.

The news created great alarm in Montreal, those inclined to the side of congress increasing the confusion in every possible way. Carleton was at Quebec. Colonel Templer, of the 26th regiment, was in command in the city, and he immediately despatched major Preston, of the 26th, with 140 men to Saint John's. At the time these troops were leaving Montreal, Allen with his *bateaux* arrived at Saint John's, to seize what he could find in the way of loot. There was a merchant at Montreal, one Bindon, whose sympathies were with congress, and, on hearing of the departure of the troops, he crossed to Longueuil. There, obtaining a horse, he galloped to Saint John's while the detachment marched. Bindon arrived at eight o'clock in the evening, necessarily some hours in advance of the detachment. He found Allen with his men in possession of the fort, and he informed the latter that he might expect immediately to be attacked, as Preston's force must soon arrive. Allen, conceiving that the opportunity was favourable for a defeat of the king's troops, posted his men concealed in the woods, with the design of surprising the detachment on its night march. Preston, however, as darkness came on before the daybreak, could be made before dawn, deemed it advisable to embark without meeting Preston, and re-ascended the lake with his *bateaux*. On leaving, he gave a letter to Bindon for the merchants of

Montreal, in which he demanded ammunition, provisions and rum to the amount of five hundred pounds.

As Bindon was leaving Saint John's he met Preston, who desired him to return, so that he could carry back to Templer a report how matters stood. Bindon informed Preston that a body of the congress troops still remained at the fort, a statement he knew to be untrue, for he had seen them all embark. He declined to go back with Preston, assigning as the cause, that he had pledged his word to deliver a letter entrusted to him for Montreal. Preston still desired to retain him, but Bindon, watching his opportunity, rode off, and crossed the river to the city. He there spread the report that after leaving Preston, he had heard sixty musket shots, and he encouraged the belief that the detachment had been defeated.

On the same day, a ship arrived in Montreal loaded with powder. To avoid delay Templer gave orders for a sufficient number of carts to be pressed to unload the ship; as the powder was taken to the magazine it was accompanied by an escort with fixed bayonets. It was market day; there were several *habitants* in town, and the proceeding caused so general an alarm, that many abandoned their wives and their carts, with the provisions they had brought for sale, leaving their friends to bring them home.

Colonel Templer called a meeting of the citizens for three o'clock at the recollet church to consider the situation. It was numerously attended, and it was resolved to take arms for the common defence. During the proceedings, Templer received a letter from Preston detailing Bindon's reprehensible conduct. Bindon was himself present and turned pale as the facts were read. The meeting was adjourned until ten o'clock the next morning, when it was held on Saint Anne's common. Templer proposed that the inhabitants should form themselves into companies of thirty, and elect their officers. Six well known citizens were chosen to make the roll of those willing to serve. They were of the old Canadian families known for their loyalty.*

* Dupy-Desauniers, de Longueuil, Panet, St. George Dupré, Méziére, San-

Preston's detachment returned to Montreal, the men greatly infuriated against Bindon. They had learned that it was from no fault of his, they had not been intercepted in the woods and shot down. So soon as they were dismissed from parade, they went in search of him. When he was found, the men forcibly led him to the pillory with the intention of hanging him, but they were without a ladder. The officers rescued Bindon before one could be obtained. Bindon was arrested and carried before the magistrates: he pleaded guilty to imprudence, but protested his innocence. To save his character he played the part of a loyalist, and took service in the force organized for defence. In the following November, as Montgomery was advancing on Montreal, when on sentry he allowed two of the partisans of congress to pass out by an embrasure, to give information concerning the condition of the city.

The attack upon Bindon did not pass without notice. Those who favoured the cause of congress made it the occasion of calling a public meeting at Sutherland's coffee house. It was there declared, that the conduct of the troops was a threat to every honest man, and it was a matter for consideration what course should be followed in resenting it; whether by legal prosecution, or by a report to the commanding officer. The loyalists, on the other hand, waited upon colonel Templer and begged him to overlook what had taken place; a request sustained by Preston, who considered that Bindon had been more to blame than the men, and that the latter had ground for a strong display of feeling.

On the call for volunteers to serve at Saint John's, fifty Canadians enrolled themselves to proceed thither under

guinet, Guy and Lemoine Despins. These families have living representatives, with the exception of Sanguinet and St. George D'pré. Sanguinet is the best remembered by his *Mémoire "Le Témoin oculaire de la guerre des Patriotes en Canada."* It is given in full in M. l'Abbe Verreault's valuable book, "*Invasion du Canada par les Américains.*" We learn from a note in this volume by J. V. (Jacques Viger), that in the French régime the Canadian militia elected their own officers; the fact is perfectly explanatory, as they would certainly choose the *seigneurs.* Verreault, p. 31.

lieutenant McKay, and they remained performing duty at the fort until relieved.

On Carleton hearing of these events he despatched the troops which were at Quebec, only leaving behind in that garrison a few young soldiers; also some artillery officers, to construct at Saint John's what fortifications were possible. The place did not possess the least natural advantages; it was simply a military station at the head of the first rapid of the Richelieu running from lake Champlain. The ground around it is a plain; and the only defence possible was the construction of earth intrenchments, with a picket fence on their summit. It was indefensible against heavy artillery. The fact is deserving of attention, when it is remembered that its garrison underwent a siege of forty days, and only surrendered when forced to do so from dread of starvation. Small detachments were sent to the Saint Francis and to Chateauguay, and thirty men to La Galette (Prescott) with instructions to repair the fort. Carpenters were likewise despatched to the Richelieu to construct boats. The few troops at Three Rivers were moved to Saint John's. Major Preston was placed in command of the garrison.

Carleton immediately left for Montreal. Upon his arrival, on the 26th of May, a deputation of the citizens waited upon him: Sanguinet accuses him of receiving them with coldness. He certainly found little in the city to give him satisfaction. The activity of the friends of congress, however carefully exercised, was well known. The preparations for defence were incomplete. The whole of the garrison, except the few men left in the barracks, had been despatched to Saint John's. The French Canadians had not responded to the call to organize themselves in companies. Many, when appealed to not only refused to join, but were insolent to the commissioners engaged in the enrolment. In Saint Lawrence suburbs the women intervened and threatened to pelt them with stones and missiles.*

* "Surtout les deux qui avoient été envoyés dans le faubourg St. Laurent où les femmes vouloient les lapider."—Sanguinet *Mémoires*. Verreault, p. 34.

Carleton accordingly had recourse to the system followed during the first years after the conquest, and by a proclamation of the 9th of June, called out the militia according to the provisions of the old law, reinstating the officers appointed by Murray, Gage and Burton. The proceeding was by no means popular. As is always the case, there was dissatisfaction in the matter of the appointments. The Canadians who lived in Montreal pleaded the engagement of Templer that they should be enrolled in companies of thirty, and themselves elect their officers ; that engagement had been departed from, officers were imposed upon them. In order that this dissatisfaction might be increased, those who desired to see the troops of congress in possession of the city did their best to stir up discontent.

The Quebec Act had been in operation only a few weeks, having come into effect on the 1st of May. The introduction of the old militia act furnished ground for the assertion that all the exactions of the French system, with the *lettres de petit' cachet*, would again be rigorously enforced. The disaffected English speaking inhabitants refused to enrol themselves. Hey, the chief-justice, then in Montreal, remonstrated with them on account of their apathy, and awoke some few to a sense of duty. When it was seen that the old subjects were commencing to move forward, several Canadians followed their example, and the force reached such a number that it was reviewed by Carleton.

At this time one James Price, an active partisan of congress, arrived in Montreal. He had been successfully engaged in commerce, and had become rich. In the spring he had left for Boston, no doubt with the view of consulting with the revolutionary leaders as to the best means of bringing Canada within the influence of the movement. He now appeared, declaring that congress was greatly displeased with the proceedings of Allen and Arnold, that their attack upon Ticonderoga and Saint John's being without authority, the two had consequently been summoned to headquarters to be reprobated ; these statements were contained in a letter from

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congress, of which he was the bearer. Price was summoned to an interview with Carleton, to whom he gave the same assurance of the pacific views entertained towards Canada. He obtained permission to proceed to Quebec on his private affairs, where he remained some short time, and, watching his opportunity, returned to Boston. During his stay he was in constant communication with the parties who shared in his opinions. It may be asserted that his report of the condition of the place, and of the engagements that were entered into with him, was one of the causes of Arnold's invasion a few months later.

From the weak condition of the province and the uncertain reliance on the militia, Carleton organized the Indians to aid in its defence. There was, in the first instance, some hesitation on the part of the Caughnawagas, on the pretence that their village was exposed; finally they agreed to come forward and serve. They were sent out as scouts to learn if any hostile movement against Canada was being undertaken. Their orders were positive, not, under any circumstances, to be the aggressors, but if fired upon to defend themselves. In one of these excursions made a month later, in August, towards lake Champlain, some Nipissing Indians found a concealed barge, of which they took possession. In returning to Saint John's, they were challenged by a party on the bank, and called upon to deliver up the barge. At the same time the officer in charge gave them notice, that he knew they had orders not to fire, and threatened them that if they failed to comply with his demand, his men would use force. Without further parley, a volley was discharged upon the Indians; the latter immediately returned the fire, and two of the congress party fell, the rest fled; the Indians landed, cut off the head of the leader, and carried it with them to Saint John's. A strong detachment was sent the next day to the spot. The bodies were found and the commission in the pocket of the corpse shewed that the commander was a captain Baker. Other official papers were obtained.*

* Mme. Veuve Benoit wrote to her brother Beaubassin on the 29th August

During this period Johnson arrived at Montreal, accompanied by three hundred of the Six Nation tribes. A council was held at which the Canadian Indians attended ; the whole number present, six hundred, expressed their readiness to take the field in accordance with the conditions imposed by Carleton ; that they should not commence the attack, but receive the first fire.

It was now the middle of July ; nearly three months had elapsed since the Quebec act came into force, and it was necessary to complete the organization by which the government could be carried on. Carleton accordingly returned to Quebec ; he descended by the south shore from Longueuil to Sorel, to inspect the militia which in this distance had assembled only to learn the want of success that had followed his orders. He arrived at Quebec on the 2nd of August, and proceeded to establish the legislative council, which met for the first time on the 17th of that month.*

The first question debated was the mode in which the provisions of the act should be carried out, and there was by no means unanimity on the subject. The discussion had lasted some days, when the news arrived that the troops of congress had again appeared in the Richelieu and had reached île-aux-Noix. The consequence was that the council adjourned on the 7th of September. Carleton, on hearing this intelligence, started immediately for Montreal. According to Badeaux, he arrived at Three Rivers on the 5th, and left on the 7th.†

[Verreault, p. 309] : " Nos sauvages ont fait captive : trois des leurs ayant été blessés, ils ont tué un nommé Béquer, un des chefs d'un party de Bastonais, ils lui ont levé la chevelure, coupé la tête qu'ils ont apportée à St. Jean et un des petits doigts de la main. Je l'ai vu, le sauvage l'ayant apporté chez nous."

* The following were members of the first legislative council : H. T. Gramblé, lieutenant-gouvernor; William Hey, Chief-Judge; Hugh Finlay, Thos. Dunn, James Cuthbert, Colin Drummond, François Levéque, Edward Harrison, John Collins, Adam Mabane, Pécaudy de Contrecoeur, Roch St. Ours Lechaillons, Charles François Lanaudière, George Pownall, George Allsopp, St. Luc de La Corne, Joseph G. Chaussegros de Léry, Alexander Johnson, Conrad Gugy, Picotté de Belestre, Des Bergères de Rigauville, John Fraser.

† As Badeaux' diary was written from day to day, its statements must be

Badeaux tells of the bad feeling observable in the several parishes of the Richelieu, most of the inhabitants taking the side of congress; likewise, that many of the Canadians in the district of Three Rivers refused to enrol themselves. Some volunteers were obtained from the parishes of river du Loup, Machiche and Masquinongé. On the other hand, Nicolet, Bécancour, Gentilly, and saint Pierre-les-Becquets would not furnish a single man. Some dozen volunteers only were obtained in Three Rivers, and under the command of the eldest son of de Tonnancour they proceeded to Saint John's.

considered as reliable. He tells us that Carleton was entertained by M. de Tonnancour, and seeing an armed man, in his ordinary dress pass up and down before the windows, asked who he was. De Tonnancour replied: "C'est un *factionnaire pour votre excellence*." It was one of a guard posted as an act of courtesy to the governor-in-chief. Carleton went to the door and called the sentry. Telling him he was the first Canadian he had seen under arms, Carleton gave him a couple of guineas, one for himself, one for the guard. [Badeaux, 6th Sept. Verreault's Invasion, p. 165]. De Tonnancour, then colonel of militia, is thus described in Schlosser's "*Briefwechsel meist historischen und politischen Inhalts*," Vol. V., p. 272: "He is one of the richest private men in all Canada, a great contractor, merchant, corn dealer, cattle-trader, and Jew. He sells even a packet of pepper, and has a liquor taproom [*Schank, sic!*] in his house. As a grocer, he provides the greater part of Canada with wine, and at the same time he lives upon a very large and small footing [*lebt auf einem sehr grossen und Kleinen Fuss zugleich*]. He has much landed property, willingly lends money upon houses and dwellings, and has the name of *le pape du Canada*, under which he is universally known." These somewhat rare volumes are accessible to the Canadian student in the library of parliament, Ottawa.

Mâitre Jean Baptiste Badeaux, the author of this diary was born about 1741 in or near Three Rivers, and died in 1796. He was a notary by profession, and acted for the community of *rélégieuses* at that place from 1767 to his death. He was a strong loyalist. Not from this circumstance only, but from the evident care with which the journal was written, it is generally accepted as reliable. Indeed I never heard its credibility impugned. The text is in good French and bears the impress of being conscientiously recorded. One puzzle he left his readers to unravel in a phrase at page 181 (Verreault): "Il est arrivé ici un *6ome de Canadiens dans un Rogalets et d'autres par terre*." The word "Rogalets" remained a difficulty until determined by Mr. Brymner, the Canadian archivist, that it was an English word then in use, "row-galley," gallicised, sustaining his opinion by reference to lieutenant Hadden's journal, page 22 (Horatio Rogers), where Arnold's fleet on lake Champlain in 1776 is detailed. Among the vessels "3 Row Gallies" are named.

The truth was thus forced upon Carleton that he could not count upon the Canadian population to resist the invasion; and he could form no opinion as to the direction whence the attack would be made. The province had been entered by way of lake Champlain. So long as Saint John's and Chambly remained untaken, an advance in force against Montreal could not be looked for with these garrisons in the rear. The descent of the Saint Lawrence, by which Montreal could be assailed, was open to the troops of congress as it had been to Amherst, and they could descend the river unopposed. Montreal itself was threatened within by a large disaffected population, and having only a limited number prepared to come forward in its defence, the city was exposed to great danger. At this period Quebec was not looked upon as causing anxiety; nearly every soldier available had been moved from the garrison to strengthen Saint John's, and Montreal had barely a hundred troops remaining for its protection.

The position of Carleton was not simply one of military and political embarrassment. His disappointment was extreme, that the Canadians would not rally for the protection of their homes, and for the preservation of those institutions he had battled to obtain for them. The disloyalty of a large part of the English population had arisen, owing to the protection granted to the French Canadians by the imperial government. The Quebec act, while confirming the observance of ancient law and custom, and the practice of their religion, had protected the new subjects against the establishment of a house of assembly, demanded on principles avowedly unjust to them, and from which they would have been excluded. Nevertheless, the men most inimical to the French Canadians during the years when their position in the future was undefined and uncertain, had succeeded in impressing them with so strong a sense of imaginary grievances, that they refused to join in the defence of their homes and their country. Carleton's letters express his mortification at the prevalence of this feeling. He was personally

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pained by the insensibility shewn by the Canadians to the protection accorded them; it was a consequence so much at variance with what he had hoped and expected, that it necessarily paralyzed his efforts in the defence of the province.

The few days which followed the arrival of the troops of congress at île-aux-Noix revealed the dangers to which Canada was exposed. It became known that they were unopposed by the *habitants*, and had been supplied with food and intelligence.

Many Canadians were acting in open hostility to the government, and had joined the ranks of the invaders. The consequence was that the whole country of the Richelieu extending to the Saint Lawrence was overrun by the troops of congress to obtain supplies, and was virtually in their possession. The two forts of Chambly and Saint John's were alone excepted, and preparations were being made to besiege the latter.

Carleton was without strength to take the field to resist the movement. His one hope was in obtaining reinforcements from Boston, and that Gage would send him men by which he could become the assailant; until their arrival his policy was to act only on the defensive. He, therefore, wrote to Gage, earnestly asking him to send two regiments, and despatched a fast-sailing schooner with his letter. With this reinforcement he hoped to hold his own against every attack.

Towards the end of September he addressed lord Dartmouth * evidently much depressed, pointing out the exposed condition of Canada, and his own weak situation. He set forth that the Canadians would not march to defend their country; on the contrary, they had been successfully appealed to, in many instances, to join the troops of congress. The latter, with their assistance, had invested the forts. The Indians would do nothing to meet the danger, unless the Canadians would likewise exert themselves. Nevertheless, the importance of the province would make him obstinate in its defence, in the hope of not being abandoned by all the

* Can. Arch., Q., 11, p. 261, 21st September.

earth. Canada was an excellent base of operations, and 10,000 or 20,000 men collected next spring at Quebec, would change the face of things on the continent.

This letter was entrusted to his aide-de-camp, lord Pitt, and as the state of affairs became more threatening, Carleton took the opportunity of sending lady Carleton to England. She left shortly after the 1st of October, to return, however, to Canada the following year.*

It was the last act of service of lord Pitt in the war. On his arrival in England, lady Chatham wrote to Carleton, that from Chatham's fixed opinion with regard to the continuance of the "unhappy war with our fellow subjects in America," he deemed it necessary to cause the retirement of his son from the service.†

* "Bientôt après inopinément et tout à coup, on a retenu sur un des vaisseaux qui sont au port, le passage de Lady Maria Carleton qui doit partir sous peu de jours avec sa famille pour l'Angleterre. . . . Lord Pitt et d'autres partent pour l'Angleterre." Lettre à un ami à Londres, Quebec, 1 Oct., 1775. [Verreault, p. 351.] We are informed by the baroness Riedesel, who in June, 1777, arrived in Quebec by the first ships which left England in April, that she was received by lady Carleton, in itself a proof that the latter returned to Canada the preceding year. "Als wir ans Land stiegen fand ich ein kleines kariol mit einem Pferde. Dieses war die Equipage der Generalin Carleton, welche mich bitten liess zu ihr zum Essen zu kommen, und auch bei ihr zu logiren." Die Berufs Reise nach America, 1801, p. 105.

† Lord Pitt reached London on the 2nd of November. Hutchinson [Diary and Letters, I., p. 554] describes the adventure which he experienced a few miles from town: "When Lord Pitt arrived from Quebec on Thursday evening, Mr. Pownall came to town with him, in the post-chaise from Blackheath. By the New Cross Inn they were stopped by a single Highwayman. Lord Pitt had pistols, which they supposed the Highwayman perceived when he stopped the postilion, for he immediately put his arm around the postilion, and fired a pistol, but no ball entered the chaise; upon which they both jumped out, each taking a pistol. Mr. Pownall burnt priming, but the pistol did not go off. The Highwayman then set spurs to his horse and they saw no more of him."

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CHAPTER II.

As these events forced themselves upon Carleton's attention, he formed the opinion that the design of congress was to obtain possession of Canada, by means of the aid given in the province by sympathisers with their cause. It was confidently hoped that the French Canadians would, as a body, be induced to remain neutral, either from expectation of the benefits they would derive; or that from fear of reprisals they would be intimidated from taking part in resisting the invasion. A meeting had been held at Quebec in April, before the affair of Lexington, at which one Brown, an emissary from New England, attended. He was the bearer of a letter signed by Adams, Mackay, and Warren, calling upon those friendly to them to form a committee, to correspond with the revolutionary committee in New England. No one present was willing to incur this responsibility; Walker, Price and others, however, undertook to send some reply. Brown, on his part, spoke very plainly, and threatened that the country would be ravaged with fire and sword, should the Canadians take up arms on the British side.

The attack upon Ticonderoga, nevertheless, came upon the whole province as a great surprise, and the arrival of the party at Saint John's to seize the sloop led to foreboding of further aggression. When the news was brought to Montreal by Hazen, Arnold was only spoken of as commanding the operation against Ticonderoga. The narrative must have come from himself. It was not until Ethan Allen landed on the 18th and 19th with three hundred men that his name was mentioned, and he is then described as an outlaw from New York. Carleton in his report to England related Allen's demand for supplies from Montreal, which he said would have been sent had they not been stopped. His

own position he described, as having but six hundred men to defend the province, without a single armed vessel. The only part of the population which had come forward to defend the government was the youth of Montreal, and of the neighbourhood. He acknowledged the assistance received from the Canadians of higher rank and the clergy ; they had been very useful, but they no longer possessed the influence they once held. The home government could alone furnish him his two main requirements, men and money.

It must remain a matter of bewilderment that, in face of the aggressive attitude, increasing in intensity in Boston and New York, Canada should have been left in a defenceless condition. As Carleton pointed out, the province furnished an excellent base of operations. The presence of a strong force in Canada would have rendered any attempt to gain possession of it impossible, and would have furnished support and encouragement to many loyalists on the Hudson, and around the southern part of lake Champlain ; an influence which might have extended as far as Albany. Numbers were prepared to act with courage and energy in defence of their opinions; but from the commencement of the trouble they experienced indifference and neglect, and were left exposed to the persecution, which the dominant party practised to destroy the self-assertion, if they failed to lessen the numbers, of their opponents. The record of history shews indisputably, that never was a cause more flagrantly lost by folly and incapacity, than that of the supporters of the connection with the mother country.

The presence of a powerful force in Canada would have been a military demonstration of significance to carry weight with it. The troops sent to Boston had as much in view the rebuke of that mutinous city, as a part of a well conceived plan of operations. The neglect of all precaution against the violence of the advanced party gave strength to the demand for independence, now openly avowed as an object desirable in itself. The movement might be compared to a fire, which at its commencement by prudence and effort could easily

have been subdued; but which from the time given to it to obtain strength and force, increased to a conflagration, irresistibly sweeping all before it.

The news of Lexington and Bunker's hill even failed to awaken the home ministry to the danger of the situation, and the magnitude of the responsibility it involved. The latter event was known in London in the middle of July, a season of the year which admitted the adoption of the most active measures. But with all the painful facts accompanying the report, it gave rise to no true conception of the magnitude of the event, or what it portended. It created no outburst of national sentiment. In some quarters it was even looked upon as a humiliation of the court. It was followed by no active preparations. There was no feeling that the nation was in an unhappy crisis which might bring with it terrible consequences. Had ten thousand troops been sent to Canada, sustained by a fleet, with the avowed purpose of being present to sustain the parliamentary right claimed by Great Britain, it would have been an exhibition of power felt throughout the continent. But the ministers remained as indifferent to the teaching of Lexington and Bunker's hill, as if these two misfortunes had been some obscure disturbance that had happened in a foreign country. There was an entire paralysis of authority. It was known that Quebec was without troops, there was some vague talk of sending some regiments for its defence, but nothing was done. Never was there such an exhibition of incompetence, folly, and disgraceful inaction.

While Carleton was in this painful situation, without men or money, threatened with attack, the whole province in an upheaval of excitement, being without the means of telling friend from foe, he was receiving letters from Dartmouth, then the secretary for the colonies, which would have depressed a mind stronger than his. Dartmouth wrote him that as it was necessary to increase Gage's army, the king relied on the loyalty of his Canadian subjects. A force of three thousand men was to be raised to act separately, or in conjunction with the regulars. They had in London all been painfully

impressed with the loss of Ticonderoga.* On the 12th of July, Dartmouth notified Carleton that the "Lizard" was convoying the "Jacob" with arms and clothing for three thousand men, and some light guns. He trusted that Ticonderoga had been recovered, and the rebellion on that side put down. Vigorous efforts were to be made by sea and land. The admiral had received special instructions. The land operations had been left to Gage, and Carleton was to support him. A fortnight later, Carleton was instructed to raise six thousand, in place of three thousand men.

The facts which have been given shew the true condition of Canada at this date, and the false theories entertained in London of what could be effected in the province. A knowledge of the events as they were, and a proper appreciation of the danger to which Canada was exposed, would have admitted no such fallacies. The provincial records can furnish more than one occasion when imperial officials have acted with this perversity of view, owing to an unfortunate ignorance of our history, and, what is worse, from indifference regarding it. It has happened in this century, in some embarrassing circumstance, that the true cause of dispute has been set out of view, and the complications have been considered in the light alone they would affect ministerial interests in the house of commons, in place of their being thoroughly probed to the core. The consequence has been the adoption of some unwise temporary expedient to tide over the difficulty, in place of resolutely looking in the face the facts really requiring attention.

No one can attentively read the history of the twenty years of the north American continent, from the peace of Paris to the peace of Versailles, without being impressed with the want of knowledge of colonial affairs apparent in London. The dispute was carried on from year to year, but the real causes of its continuance remained unknown. An investigation of the hidden motives of the leaders of the discontent

* Can. Arch., Q., II., p. 152. 1st July, 1755. Dartmouth continued in office four months from this date. Germaine was gazetted as secretary on the 11th of November.

should have been conducted with justice and forbearance, and the wisest statesmanship exercised to satisfy the increasing disquietude. But mere acts of parliament alone were passed, the only effect of which was to increase the bitterness, and to intensify the self-assertion of the colonial mind ; and there was a perpetual misconception as to the measures, indispensable to create a satisfactory acceptance of the national relationship.

The continual unwise choice of men to carry out the ill-conceived plans which were adopted, from their unfitness, want of judgment, and imprudence, made the consequences more disastrous. There was constant procrastination, as if delay was wisdom. Much of this error may be imputed to the failure, characteristic of those days, to grasp the true condition of the colonial relation, and the want of knowledge of the events, by which the provinces, step by step, had emerged to strength and prosperity. False principles consequently obtained acceptance, and men gained the ministerial confidence, whose advice too often was prompted by their own interests. The latter influence has by no means disappeared; it is traceable at this hour, and will bequeath in the future the heritage of trouble and difficulty.

The history of the past can never be ignored ; it is the text book of the far-seeing statesman who adapts it to modern requirement. When the necessity for change becomes a recognised dominant belief, it furnishes the starting-point for the new and better order of things, the introduction of which every indication of the time proclaims can no longer be delayed.

It required no extraordinary means to have preserved Canada from the invasion of 1775. Two regiments sent to the province, with two ships of war in the Saint Lawrence, would have permitted the lake Champlain forts to be placed beyond insult. Quebec would have been established as unassailable and have been so considered ; while some armed vessels on lake Champlain would have made any advance by those waters impossible.

I have mentioned that, early in September, Carleton, feeling his position, applied to Gage at Boston for two regiments to be sent to Canada to enable him to act as he held expedient. His letter was carried by the schooner "Success," which reached Boston on the 10th of October, the afternoon of the day on which Gage left for England. Howe ordered two transports to be immediately prepared, and detailed an officer and a battalion for the service. Graves, the admiral in command of the fleet, acted with the disregard of the public service which characterized his whole career. He declined to furnish the vessels, on the ground that in the month of October a passage from Boston to Quebec was extremely dangerous, that the scheme was therefore impracticable, and it was not advisable to attempt it. In this discreditable opinion he was sustained by two captains of the navy named Hartwell and Macartney. These were the days when officers thought first of securing themselves against all risk of trouble, but not of the performance of public duty. To avoid censure by extreme prudence was the first consideration in these times of evil. There was throughout both services an absence of all chivalry and patriotism. Officers had fallen back to the lethargy and disregard of duty of the pre-Chatham days, when failure was the accompaniment of every British enterprise. Howe did not conceal his condemnation of these disgraceful objections, but he was powerless to act against them; he wrote, "The Troops and Transports would have been in readiness on the 15th, but the inclosed Letter received last night from the admiral Graves has, I am concerned to say, frustrated my intentions, by stating difficulties that did not occur. Under such circumstances I hasten to despatch back the schooner "Success," and shall be extremely anxious to hear the result of your critical situation."*

How different the conduct of this man Graves from that of Hawke on the 20th of November, 1759, in Quiberon bay.

* Can. Arch., Q., II., p. 288.

The sea was rolling high. Hawke directed the pilot to sail onwards towards the enemy. The pilot represented the peril of this course. "You have done your duty in this remonstrance," replied Hawke, "you are now to obey my orders and lay me along the French admiral." The result was victory. Had a sailor of the character of Hawke been at Boston, the regiments would have been sent under any risk, and Montgomery and his force would have been driven to the four winds, as happened the May following with the congress troops, who then occupied Canada. Carleton was accordingly left to his own narrow resources, to do as he best could in his defenceless condition.

The attack of Ticonderoga proved most embarrassing to the more moderate members of congress. The matter had not been undertaken with their consent, and although the extreme party had determined to commit the provinces to hostility with the view of attaining complete independence, there were many, whatever their sympathies in the dispute, who saw the extreme hazard of the undertaking, and the immense power with which the newly levied colonial troops would have to contend. As there was doubt as to the success of any immediate armed resistance, so hesitation was felt in the recognition of the wisdom of it. Many yet hoped that some accommodation might be effected, although the mode by which it could be attained had not presented itself. The determination of this section of the party was to prevent any active movement of the troops, to retain them on the defence, and so long as they remained unmolested, that no offensive movement would be made. At this early stage, Gage may have been misled by this feeling to continue inactive; but the event of Bunker's hill should have satisfied him, that the only protection for his troops in the city of Boston was that which they could obtain for themselves.

Consequently, the success obtained by Allen's self-constituted force presented no common difficulty. Allen and the volunteers with him had acted from an impulse conveyed from Connecticut. Arnold, although holding the commission

of colonel from the commandant at Boston, probably obtained the news of the proposed expedition as a Connecticut man, and, on communicating it, received the instructions on which he acted. He had, however, been present without any force. Congress was in the position that the attempt had been made and had succeeded, and could not be disowned, for such a vote would entail a re-surrender of the places taken. The delegates therefore gave their authority to the act, and passed the unwarrantable resolution that "there is indubitable evidence that a design is formed by the British ministry of making a cruel invasion from the province of Quebec upon these Colonies, for the purpose of destroying our lives and liberties." Orders were given for the cannon and stores to be removed, with instructions that an inventory should be taken, "in order that they may be safely returned, when the restoration of the former harmony between Great Britain, so ardently wished for, shall render it prudent and consistent with the overruling law of self-preservation."

In order that congress should not be involved in further operations, or, as it has been suggested, should pull Canada into security, a resolution was passed, on the 1st of June, to the effect "that as this congress has nothing more in view than the defence of these colonies, no expedition or excursion ought to be undertaken or made, by any colony or body of colonists, against or into Canada."

Even after Bunker's hill on the 17th of June, on the 1st of July a petition was agreed upon to the "king's most Excellent Majesty," declaring that they, the colonists, "remained his dutiful subjects, and praying that his magnanimity and benevolence might determine some mode by which the applications of his faithful colonists might be improved into a happy and permanent reconciliation." The author of the address was Dickenson, and it was carried by his influence. The support it received shews that there was still a powerful party inclined to peace. But we may doubt the sincerity of the vote, in the minds of many who supported it; it is no over-strained opinion that it had equally in view the design of

paralysing opinion in England, by keeping alive the hope that accommodation was yet possible.

The event of Bunker's hill certainly strengthened the extreme party. No other explanation can be given of its ability to carry a vote on the 27th of June, within four weeks of the disclaimer of all intention to invade Canada, instructing general Schuyler to proceed to Ticonderoga, and, if practicable, immediately to take possession of Saint John's and Montreal, "and pursue any other measures in Canada which would have a tendency to promote the peace and security of these colonies."

Allen relates that when this order was received by Schuyler, although not holding a commission under congress he was invited to join the expedition, and that feeling highly gratified by the offer, he unhesitatingly accepted it and accompanied the expedition. At the end of August* Schuyler's force descended the lake to île-aux-Noix, of which possession was taken, and a strong picket was sent to reconnoitre Saint John's, to learn its force and state of defence. The detachment was met by a party of Indians who had been detached on similar duty, the news of the arrival of the invaders having reached the garrison. A skirmish ensued, when there was a trifling loss on both sides. Prescott, then in command in Montreal, on receiving a report of these events, sent an order to the parishes around the city, for fifteen men from each company to join the force at Saint John's. No answer was made to this requisition. In Montreal several young men again declared their readiness to serve. I have mentioned that on the first appearance of Arnold and Allen at Saint John's, a party of Canadian volunteers, on Colonel Templer's appeal, had proceeded to Saint John's and garrisoned the fort, until relieved by a detachment of the 26th. One hundred and twenty again came forward † under the command of de

* We learn from a letter from Washington to his brother, John Augustin, dated 10th September, that Schuyler left Crown Point on the 31st August.

† By a letter of Chartier de Lotbiniere, dated 23rd January, 1779, addressed to Haldimand, lately published, the Canadians on that occasion were one hundred and twenty-one in number.

Belaître and de Longueuil. They included in the ranks many young men of family, and several prosperous merchants of the French Canadians. The names of no British volunteers appear in the list of those who surrendered on the capture of the fort. Those of the English speaking population who ranged themselves on the side of the government remained to perform duty in Montreal. The number however included many of those actually disloyal, as subsequent events proved.

The French Canadian detachment left on the 7th of September. A few days after their arrival at Saint John's, a party of thirty was ordered to an outpost two miles from the fort. They were attacked, on taking possession of the post, by a strong detachment of the besieging force. As the Canadians did not conceive they could maintain their position, they re-embarked in their barges. Three of the number, however, remained behind, in a small house, it is difficult to explain in what circumstances. De Boucherville with another was standing at the door, when the small party was over-powered by numbers; in an attempt to leave the place, Perthuis, the interpreter to the Abenakis, was shot dead, and de la Bruère had both arms broken.

The entry of an armed force into Canada was an extreme act of aggression in every respect unmistakable, and in the relation which the provinces held to each other, an attempt at conquest. Viewing it from the side of congress, it must be looked upon as an act of vigour and enterprise, and of great political significance. It was an exhibition of strength, which increased the confidence of the adherents of the extreme party, and with the wavering confirmed an abstinence of opposition to, if not the acceptance of, the cause. The opportunity was one which furnished a certain guarantee of success. The entire British force on the continent was kept blockaded in Boston, either by an inability to move, or from disinclination on the part of the commander to act. Every day, British power throughout the provinces was becoming more discredited. Canada itself was poorly garrisoned, and considered incapable of resisting a well-directed attack. There was a

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party of great activity, if not of great numerical strength, on the side of congress, and the political agents had reported that the French Canadians would remain neutral. In many districts it was anticipated they were prepared to give active support.*

It was resolved to engage in the attack with a strong force; three thousand men were detailed for the service, consisting of two regiments of New York militia, with some companies from New England, and preparations were actively commenced at Ticonderoga, and Crown Point, to make the organization as perfect as possible.

The force did not arrive at lake Champlain in its full strength as rapidly as was looked for. Montgomery remained at Crown Point engaged in disciplining the force under his command, when he received intelligence that an armed schooner and some gun-boats, constructed at St. John's since the appearance of the troops of congress in May, were preparing to ascend the river and obstruct his advance by the

* There is a preponderance of evidence to establish that the invasion of Canada in 1755 was only undertaken on the assurance that the French Canadians would remain neutral, and that they would welcome cordially the success of the troops of Congress. Tench Tilghman, secretary to the Indian commissioners at Albany, wrote in his journal on the 31st of August, 1775: "From the accounts general Schuyler gave us of the state of his army, I tremble for him in his expedition against St. John's. He wants almost everything necessary for the equipment of an army. He complains much of the dilatoriness of the York committee. His great dependence is upon the neutrality of the Canadians; if they do not assist gov. Carleton, Schuyler has numbers sufficient to rout [him], badly disciplined and accoutered as they are."

Washington, in his instructions to Arnold when starting on the expedition up the Kennebec, distinctly desires that the affections of the people may be conciliated, and Arnold is directed to convince "them that we come at the request of many of their principal people." His language further is that "The success of this enterprise under God depends wholly upon the spirit with which it is pushed, and the favourable disposition of the Canadians and Indians. You are, by every means in your power, to endeavor to discover the real sentiments of the Canadians towards our cause, and particularly as to this expedition, bearing in mind, that if they are averse to it, and will not co-operate, or at least willingly acquiesce, it must fail of success. In this case you are by no means to prosecute the attempt; the expense of the expedition, and the disappointment, are not to be put in competition with the dangerous consequences, which may ensue from irritating them against us, and detaching them from that neutrality which they have adopted."

lake. Although but fifteen hundred men had been assembled and they were only imperfectly organized, he resolved no longer to delay his departure. It was under these circumstances the expedition was hurried forward, so that île-aux-Noix, twelve miles from Saint John's, should be held in possession, and sufficiently fortified to prevent the passage of the armed vessels by which Montgomery's force might be threatened.

Schuyler, who commanded in chief, shortly afterwards arrived from Albany. His first act was to publish a proclamation to encourage the Canadians to join him,* and believing that there would be little opposition at Saint John's, on the 6th of September he advanced by water against the fort. The boats were received with a continued and determined fire, giving evidence that the fort was strongly garrisoned and capable of resistance. Schuyler did not persevere in the attack, but landed some two miles above the fort. The country here was woody and intersected by swamp; in this situation his force was attacked by a body of Indians, in which some loss was experienced, as I have related.

The detachment, consequently, retired to île-aux-Noix to await the arrival of the complement of its strength. Schuyler returned to Albany to conclude a treaty with the Indians, so that their neutrality could be obtained; a duty he had undertaken, and which was to occupy much of his time. Being shortly afterwards attacked by a serious fit of illness, he was incapacitated from returning to Canada, and the operations were left entirely to the direction of Montgomery.

Richard Montgomery was an Irishman of good family, his father having been member for Liffard. He was born near Feltrim, in December 1736, so he had just reached his thirty-ninth year when he fell at Quebec. He passed through Trinity college, and joined the 17th regiment at eighteen. He was present at Louisbourg; on Amherst's advance up lake Champlain in 1759, and in Haviland's expedition of 1760. He became a captain in 1762, and was engaged in the opera-

* This address is given at the end of this chapter.

tions before Martinique, and Havana. He returned to New York and, selling out of his corps, he purchased a farm near King's Bridge, and married Janet, a daughter of judge Robert Livingstone. All the Livingstones were pronounced antagonists of the stamp act, and took the extreme view of colonial pretension. With his wife, it may be said, Montgomery accepted the political opinions of her kindred; possibly, to some extent forced into them by the powerful family into which he married. His talents likewise led to his being treated with consideration, for undoubtedly he was a distinguished soldier, having passed through twenty years' service in the best school. He was elected to the first provincial congress in 1775, and at once appointed a brigadier-general. Montgomery may be considered to have drifted into his antagonism to the mother country, for it is hard to conceive the political reasoning which affected his mind. The extent to which he was indebted to the support he received from the French Canadians will hereafter be seen; and few have ever been more favoured by circumstances than was Montgomery, during the early months of this campaign to close so disastrously for himself.

Fort Saint John's was garrisoned by five hundred and five men of all ranks of the 7th royal fusiliers, and the 26th regiment, thirty-eight of the royal artillery, eight of Maclean's corps, and fifteen of the royal navy. There were also present one hundred and twenty Canadian volunteers from Montreal, making a total of 696. Some artificers were also present.* Except the detachment of eighty-two men at Chambly and the few companies in Montreal, this force represented the whole of the imperial troops in Canada.

As Montgomery was joined by his reinforcements and artillery, he sent out parties to scour the country, to obtain supplies, and to learn the feeling of the inhabitants. It was a rare case when the Canadians showed disfavour to the invaders; many joined the ranks. In all instances they were

* Can. Arch., Q., II., p. 282.

willing to furnish information; active assistance was given in the transport of artillery and munitions of war; the provisions demanded were supplied. The payment made was in the paper money of congress, a proceeding, with the *habitants'* experience of Bigot's *ordonnances*, anything but agreeable, and which could not have been conducive to their confidence in the cause they had embraced.

Nevertheless, the majority of the *habitants* living in the district of the Richelieu were to be found on the side of congress, and a considerable number took the field. The leaders in the movement were James Livingston; one Jeremy Duggan, who had been a barber in Montreal, then a bankrupt wheat merchant; and Loizeau, a blacksmith. Livingston was the son of a prosperous merchant in Montreal, who, by means of some of the Caughnawaga Indians, constantly communicated with the provincial leaders in Albany. Two of the younger Livingstons had joined their elder brother, and the house in Montreal was the rendezvous of all who were disaffected to the government. Some one hundred and fifty of the sympathisers established themselves at point Olivier, on the western bank of the Richelieu, where the Chamblly basin falls into the stream. They placed themselves under the command of the three persons named, and there formed a small camp.*

Sanguinet, a strong royalist in feeling, in his memoirs from time to time expresses his surprise at what he describes the inactivity of Carleton. He complains that he did not immediately take measures to break up the camp at point Olivier,

* Some of the letters of Duggan and Livingston were intercepted, and have been preserved. They are dated from point Olivier on the 16th and 18th of September, and are in execrable French. [Can. Arch., Q., 11, pp. 252-255.] A joint letter to the captains of militia of the parishes extending to Quebec calls upon them to send provisions and to join the force assembled. A passage of this letter runs: "ils esperent que vos cœurs se joindrons aux leur qui travaillent pour la continuation de nos biens et toute autre Droit affirmé sous leurs Ames et Conscience."

Livingston's letter of the 18th, after appealing to the *habitants* to come forward, "avec vos armes afin de pouvoir empêcher des flaux que nous sommes menacées," adds: "De plus c'est le Bien spirituelle qui les anime de prendre nos propres intérêt afin d'entretenir avec nous une correspondance paternelle par ordre du General Bastonay je suis avec Respect &c."

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and arrest the leading disaffected persons in Montreal who were well known. Among the most active of this class was Thomas Walker, whose name has appeared in the second book of this volume. No one had been more active in stirring up disaffection with the *habitants*. He lived at L'Assumption and had unceasingly exercised his influence against the government. But Carleton was entirely without any imperial force to sustain him, and the Canadian militia had declined to enrol themselves. Moreover, a great number of the English speaking inhabitants of that city, and who they really were was a matter of doubt and suspicion, were favourable to the cause of congress. The Quebec act establishing the legislative council, and not selecting the house of assembly out of the slender protestant population, had so long been represented as a grievance, that many had brought themselves to regard the act as an individual injury. There are few instances on record, where the governor of a province has been placed in more trying circumstances than Carleton in the autumn of 1775.

In Quebec Cramahé issued a proclamation on the 16th of September, by which all persons who had arrived in the city after the 31st of August were called upon to declare before the proper authorities within two hours, their names, residence, and the business which brought them there, or be regarded as spies. All keepers of hotels and public houses were ordered to give notice of the arrival of any strangers, within two hours after their appearance.

On the night of the 24th of September, Ethan Allen with about one hundred and fifty men from the camp at point Olivier, crossed over from Longueuil on the south shore at the foot of the current, and reached the suburb of Saint Mary about ten o'clock, quartering his men in the houses in the neighbourhood. Canoes for the passage had been readily furnished him. Their purpose in some form must have been known, for it was suspected that some such attempt would be made. Carleton tells us that, on the 24th, he sent out a party with orders to bring all ladders in the suburbs within

the town. The order was resisted with insolence and threats.* Nevertheless, the secret of Allen's movements was well kept, and no one in the city had any idea of his presence. It was by accident that the fact was known. A loyalist, Desautel, who had a farm about a league below Montreal, on the morning of the 25th, was returning to his place, when he observed several of the congress troops loitering about the houses. He took to the fields and reached Montreal to give the alarm. The gates were closed ; there was a meeting in the Champ de Mars of the enrolled men with their arms. The greater number were French Canadians, the majority of the English speaking population holding back ; although those representing loyalist opinions were present. They proceeded to the barracks to obtain ammunition. About sixty of the troops marched in the van, the remaining few score, which constituted the garrison, were posted in the barrack yard, drawn up as a reserve. There were about three hundred French Canadians and thirty English speaking inhabitants† devoted to the British cause.

From what followed, it is plain that Allen and his followers were exceedingly surprised that any resistance should have been made. He was a vain, uneducated man, without even a shadow of suspicion of the difficulty of the task he had undertaken. He had neither the judgment nor the ability to carry out his purpose, and the folly of attacking a city of from twelve to fourteen thousand inhabitants, with one hundred and fifty men picked up at hap-hazard, without artillery or a day's provision, shews the shallowness of his character. On the arrival of the force from Montreal, Allen's force placed themselves in the houses and barns, from which they commenced a fire of musketry. They were soon driven out,

* Can. Arch., Q., II., p. 267.

† I may be called to account for using this phrase : I know no other to represent this population, many of whom came from New England, and had there formed the extreme opinions they professed. There had been no regular emigration to Canada from the mother country ; for as Carleton stated, the southern provinces had obtained the preference. It would be without warrant to describe this population generally as British.

but not before they had wounded major Carden, who afterwards died from his wounds, Mr. Alexander Paterson, a British merchant of distinction, and a Canadian gentleman, Mr. Beaubassin. Thirty-five prisoners were taken with Allen himself. Those who escaped made their way to the woods plundering the houses as they passed, especially the places of those who had joined the king's force.*

United States writers blame Carleton for placing these men in irons. The fact is true, but it has been distorted and exaggerated. As to Allen's statements, no one places reliance on them. The explanation is to be accepted in Carleton's words, that the rebels had been put in irons, not from choice, but necessity, and placed on board the vessels lying before the city. There were no prisons where they could be confined, or troops to put on guard over them; the prisoners were, however, treated with as much humanity as safety permitted. Montgomery wrote to Carleton threatening reprisals. Carleton deliberately refused to make any reply, but sent the letter to England. There could have been no very great hardship endured, for, on the 9th of November Cramahé reported that the men had been sent to England from Quebec, whither they had been transferred from Montreal.

Allen's statement, given in the narrative published by Walpole in 1807, is to the effect that on the commencement of the operations, he was sent out with a major Brown and some interpreters through the woods to the settled parts of Canada, to distribute letters to the Canadians, informing them that the attack was against the garrisons, and not designed to interfere with them, their liberty, or their religion. On his return, he was again sent out by Montgomery; and reading between the lines of Allen's narrative, it looks as if the mission had been made to get rid of him. Allen tells us how he wished to be present in the operations before Saint John's, and we may conceive the nuisance of his continual self-assertion. Whatever the cause, he was directed to descend the Richelieu to Sorel, to visit the parishes on the river, and

* Cramahé to Dartmouth, 30th of September, Can. Arch., Q., II., p. 256.

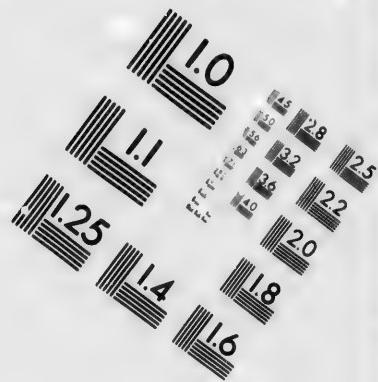
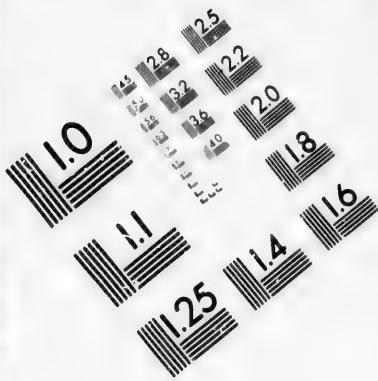
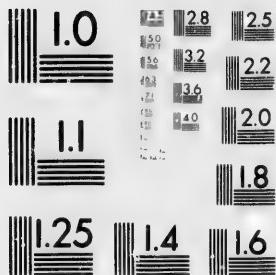
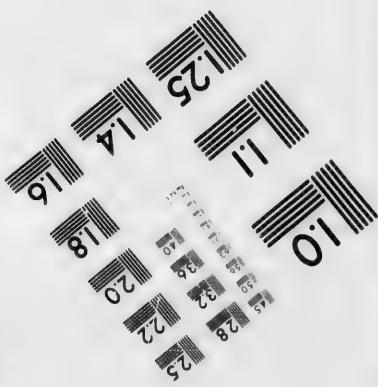
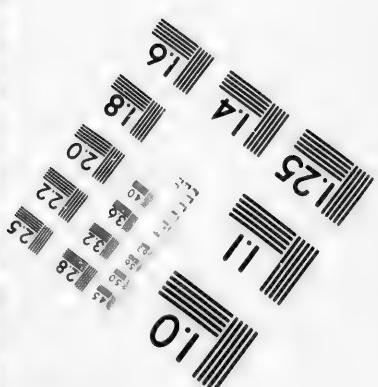


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return by the south of the Saint Lawrence, performing the same duties in this direction. He was accompanied by eighty French Canadians. He had reached Longueuil, and was on the march to Laprairie, whence it was his duty to return to Saint John's; when about two miles west of Longueuil, he met Brown, promoted to colonel, who proposed, with the 200 men under his command, that they should cross the river, and make themselves masters of Montreal. Allen accepted the proposition, and being joined by "thirty English Americans," he obtained canoes and passed over to the north shore, three trips being taken to convey the whole party. He immediately despatched two men to Walker under the pilotage of a Canadian named Deschamps. Walker then lived at L'Assomption, some twenty-two miles to the northwest, where he had been active in fomenting bad feeling. Allen expected to be joined by Walker and a considerable force, but there was no response to his appeal. The population would make no movement, and the attempt entirely failed. The two men hurried back with the news, but at point aux-Trembles they heard of Allen's failure, and recrossed the river.

Brown never appeared. Allen tells us he sent messages to Laprairie, calling upon him to join in the attempt, but without any result. The attack commenced between two and three in the day. Allen fired upon the advancing column, and for a short time acted as if he would resolutely defend himself. Threatened with being surrounded, and being assailed at all points, he detached Duggan and Young with a few men to occupy a position, by which movement he hoped to distract the attention of his enemy from himself, and to inflict loss on them. He never saw them again; they both abandoned him. Finding his position becoming desperate, Allen made an attempt to retreat, in the hope of obtaining canoes, so that he would be able to recross the river. In this form he fell back for about a mile; but his situation being now perfectly hopeless, he surrendered.

He was placed a prisoner in the 'Gaspé" schooner, and

taken to Quebec, where he was transferred to another vessel. Finally, he was sent to England, and confined in Pendennis Castle, near Falmouth.

The failure of this attempt, and the ridicule attending it, led many French Canadians on the north shore to proceed to Montreal and offer their services to the government. But the entire Richelieu district to Sorel, and many parishes on the south shore of the Saint Lawrence, remained disaffected. As the militia arrived in the city, Carleton determined to arrest Walker, and sent a party of forty men, part regular troops, part Canadians, to L'Assomption. They arrived at early morning, and surrounded the house. Walker, his wife, and three servants attempted to beat back the detachment, and, firing from the windows, wounded an officer of the Royal Emigrants, McDonnel. The house was set on fire, and the inmates taken from a window and brought prisoners to Montreal. Mrs. Walker was released, but Walker was kept in confinement.

Efforts were made in all directions to induce the Canadians to join the force; de Lanaudière gathered a small party, and was on the march to Montreal through Berthier, the men being without arms, when they were attacked by the *habitants*; he himself was seized and his men prevented from proceeding further. He however managed to escape. The same result was experienced at Verchères: de Rigauville had induced some men to join him, and was on his way to Montreal when he was stopped and made prisoner, upon which his men went back to their homes.

Montgomery, in the meantime, had actively commenced the siege of Saint John's. He had taken up his position before the fort on the 18th of September. The defence was vigorously persevered in until the 12th of November, and only for the cowardice and misconduct of the commandant at Chambly, major Stopford,* son of the earl of Courtown,

* In anticipation of the narrative of Stopford's cowardice, I will give an extract from the journal of lieutenant Haddon of the royal artillery, who served on Burgoyne's expedition. It places on record the opinion entertained among

Montgomery would have been forced to raise the siege. A few weeks longer defence would have brought Montgomery into the middle of December, and, his troops being entirely unprepared for a winter campaign, he would have been forced to abandon the siege and retreat. That Montgomery was in any way able to persevere in the attack was, in the first instance, owing to the supplies and aid he obtained from the French Canadians, but the immediate cause of his success was the powder and guns which the poltroonery of Stopford placed at his disposal by the surrender of Chambly.

military men a few months after the event took place. July 23rd, 1776. (Journal, p. 3): "The Fort at Chamblee, or rather the *Shell* of a large square House *loop-holed*, is an ancient structure raised about 50 Feet, totally of Masonry and intended as a defence against the sudden attack of the Savages. It was surrendered by Major Stopford (last year) to the Rebels (who brought 1 Gun & a Horse load of powder against it), after firing a few Shot: and he neglecting to destroy a large quantity of powder then in the Fort, they were enabled to return and attack Fort Saint John. The powder might have been thrown into the *Rapids*, as the Fort is immediately above them. There was also a *well* in the Fort. *Timidity* and *Folly* in this instance seems to have been the cause of all the succeeding misfortunes in Canada. I did not learn that any Men were *Killed* or wounded in the Fort, and it certainly might have held out long enough for the Enemy to have expended *all their* ammunition, in which case they must have abandoned their enterprise. On the contrary, with the above supplies they besieged and took Saint John's in about Six weeks." This journal, published in Albany in 1884, is edited by general Horatio Rogers, of Providence, Rhode Island, with a degree of care and research rarely to be met. He has, with great industry, traced the history of every person named in the campaign, and the volume is valuable for the reliable references it contains.

GENERAL SCHUYLER'S MANIFESTO

A MESSIEURS LES HABITANS DU CANADA.

CHERS AMIS ET COMPATRIOTES.

Les diverses raisons qui engagent aujourd'hui les anciennes Colonies Angloises de l'Amérique à la facheuse nécessité de prendre les Armes, et les détestables menées d'un ministère tyramique qui qui s'abstine à vouloir mettre l'Amérique aux fers, ont été mises dans un si grand jour dans les différents placets, mémoires & représentations publiées par ordre du Grand Congrès qui représente le corps des dites colonies, que nos frères les Canadiens, à qui l'on prépare les mêmes chaînes qu'à nous, ne sauroient manquer d'en avoir une parfaite connaissance, et de voir avec plaisir le parti que le dit Grand Congrès a pris de faire marcher une armée en Canada pour en déloger, si il est possible, les troupes de la Grande Bretagne, qui agissent aujourd'hui par le ressort & sous les ordres d'un ministère despote qui cherchent à mettre leurs compatriotes et frères sous le joug d'une dure servitude.

Mais quelque nécessaire que soit une telle mesure, soiés persuadés, Messieurs, que le Congrès ne se fut jamais déterminé à la prendre, s'il eût eu lieu de croire, qu'elle vous eût été désagréable ; mais jugeant de vos sentiments par les leurs, ils ont cru qu'il n'y avait qu'une pressante nécessité qui pût vous porter à essuier les insultes et les outrages qu'on vous fait journallement, et voir d'un œil tranquile préparer les chaînes qui doivent vous envelopper avec nous dans un esclavage commun, et notre posterité la plus reculée.

Soiés donc persuadés, Messieurs, que le Congrès n'a d'autre vue en ceci, que de vous mettre à couvert, aussi bien que nous, d'un esclavage aussi funeste, de prévenir le dégât que pourroient faire en Canada les troupes du ministère, si elles y restoient plus longtems, et de vous remettre dans la pleine possession des droits, dont doivent jouir les sujets de l'Empire Britannique, de quelque rang & condition qu'ils soient, quelque religion qu'ils professent, et dans quelque lieu de l'Empire qu'ils résident.

Tels étant, come vous ne sauriés en douter, les sentiments du congrès, je me flatte que vous n'aurés pas de peine à croire que je n'ai reçu les ordres les plus exprès d'accueillir le plus favorablement qu'il me sera possible chaque habitant du Canada en particulier, et généralement tout partisan de la Liberté : de ne point les chagrinier dans la possession de leurs biens ; mais au contraire de les protéger dans la pleine jouissance de leurs priviléges temporels & spirituels.

De mon côté, Messieurs, je suis si assuré de la bonne disposition où les troupes qui forment mon armée sont envers leurs compatriotes les Canadiens, qu'ils regardent présentement come leurs frères, que je ne crois pas que j'aurai la moindre occasion de punir une seule offense de ce genre.

Il vient depuis peu de se conclure au Fort Orange autrement dit Albany un traité avec les six nations, autrement dit les Iroquois. Je suis chargé de présents considérables pour les distribuer a leurs frères les Caghawagas, & autres nations sauvages du Canada. Si quelcun d'entr'eux a perdu la vie, j'en ai un sincère regret, ça été commis contre les ordres les plus exprès, et par des personnes mal intentionnées & ennemis de la cause honorable et glorieuse que nous soutenons.

Je me ferai un plaisir tout particulier d'enterrer leurs morts, et d'essuier les larmes de ceux de leurs parents, qui leur survivent, ce que je vous prie de leur communiquer.

AB. SCHUYLER,

Major General & Commandant de l'armée des
Colonies unies de l'Amérique Angloise.

A l'isle aux Noix, le 5 Sept. 1775.

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CHAPTER III.

The defences of Saint John's consisted of two forts, surrounded by intrenchments and doubtless by a picket fence. The country is generally a plain, without an acre of elevation which offers any advantage of position. All the protection obtainable was by military art. The commandant was major Preston of the 26th, and it must have been early apparent to him, that the success of his defence lay in holding his position, until the appearance of winter made it impossible for his assailants to continue the campaign. Montgomery, who knew the Canadian climate well, must have felt assured that unless he could effect his purpose before the cold of December had set in, and the ice had formed on the rivers and lakes, he would be forced to abandon the attempt.

On the 17th of September Preston first heard that some thousand men were at a short distance from the fort, upon which he detailed thirty of the volunteers to drive in some cattle grazing in the neighbourhood. The party had scarcely left the intrenchments, when he received information that two or three hundred of the assailants were establishing themselves at a point about half a mile above the fort. Preston immediately ordered out two hundred men, composed equally of regulars and Canadians, with a gun, to attack this force, under the command of major Brown. After half an hour's skirmish, Brown abandoned his ground, and was pursued some distance. Among the prisoners was one Moses Hazen, the same who had brought the news of Arnold's first appearance at Saint John's. He had settled in the neighbourhood, and had farms on both sides of the river. He was sent to Montreal on parole to explain to Carleton, if it was possible to do so, the circumstances under which he had been found

where he was taken. A Canadian volunteer and two of the 26th were killed.*

During the following day, the forts were completely invested, and all communication with the outer country was cut off. The immediate consequence of the movement was that the Indians, who perceived that the Canadians were holding themselves aloof, and that many acted with the invaders, judging the conditions of success by the surface, looked upon the cause of the British as already lost, and refused to remain in the garrison.

We learn likewise from Schuyler's proclamation † that, in consequence of the convention held at Albany with the Six Nations, messengers bearing considerable presents had been sent to Caughnawaga, asking the friendly intervention of that branch of the tribe, in favour of the congress forces entering Canada. On their arrival at the village of Caughnawaga, they obtained submission to the demands made, that the tribe domiciled there should take no further part in the struggle. The absence of the Indians proved a serious loss to the besieged, for they acted as scouts, and furnished the means of communication with head-quarters at Montreal.

The garrison, however, undertook the defence with great spirit, and kept up a continual cannonade against the intrenchments of the assailants, but with little effect. A battery of Montgomery was more successful against an armed schooner, inflicting such injuries that it was compelled to retire to the wharf.

The attack was persevered in, day by day, until the end of September, without any impression having been made upon the defences, and Preston commenced to feel secure in his position. He was not in dread of the place being stormed, for he had learned the mode of fighting of his enemy. The news of Allen's failure had also reached him from some

* Brown had been an attorney, and is so called by Cramahé in his letter to Dartmouth, 24th September, when reporting this affair. Can. Arch., Q., II, p. 253.

† Ante, p. 447.

Indians who arrived under the influence of drink. It corroborated the statement of two deserters who had come in the previous day. From them he also learned that the battery which was attacking them consisted only of two guns and two mortars, and that their armed vessels and floating batteries had each only two guns. These men stated that there was much suffering in the camp, that the men were greatly incommoded by the water lying on the camp-ground, and the firing from the fort was now proving more effective. Montgomery had sent to Crown Point for a large mortar to bombard the fort. This intelligence was an encouragement to Preston, for it announced that his safety depended on his perseverance in the defence, till the appearance of snow.

He knew only too well the impossibility of obtaining reinforcements, for most of the troops in the province had been placed under his command; there was an equal difficulty in furnishing the fort with supplies, the Canadians preferring to aid the invaders. His one resource was to husband the food at his disposal, so that the garrison would not be driven to surrender from starvation. Accordingly, on the 2nd of October, he placed the troops on half rations, and sent to Carleton news of his situation. Some of the men had been fortunate enough in seizing some cattle which appeared in the woods near the fort. A sortie was made by a small party on the 9th, by which a prisoner was taken and a few of the enemy killed, and, what was of greater moment, Preston was enabled to send to Montreal a report of his condition.

On the 20th of October, Preston, with pain and surprise, received information which told him that his doom was now certain, and that a few days must decide the fate of himself and his garrison. An officer, accompanied by a drum, appeared with a letter from Montgomery. It contained the news that two days previously, on the 18th, the fort at Chambly had surrendered after the siege of a day and a half. On the first day one gun only had been directed against it. On the second half-day two cannon were brought to bear.

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There is no doubt of the disgrace of this surrender. The garrison were well provided with powder and provisions. Chambly was a strongly constructed fort with four square bastions. It had been rebuilt in stone by the elder de Vaudreuil in 1710,* and was literally impregnable against musketry, and quite defensible against light artillery. On its eastern side it was unapproachable by water, owing to the Chambly rapids which ran by its base. The space around it was open, and could have been swept by artillery from the bastions. No cause has been assigned for the surrender which took place on the 17th of October. Montgomery here obtained the guns, the ammunition and the provisions he required. Had the place been defended for three weeks, the siege of Saint John's must have been abandoned. The period of stormy weather on lake Champlain was approaching, and heavily laden *bateaux* could not have lived in the chopping seas which are then experienced. There would have been no means of bringing up ammunition. The winter was coming on, and the congress troops, unaccustomed to the hardships of a winter campaign and unprovided with clothing, would have discontinued their efforts disheartened, by failure, and hopeless of success. Even if Stopford had not the courage to fight, he could have tossed his powder with his provisions and supplies into the Richelieu rapids, which ran by the fort. Nothing was done.†

* Ante, Vol. II., p. 451.

† That Stopford had no excuse from the want of provisions, the following list of supplies and ammunition will shew. It is taken from Gordon's history of the American revolution, 1788, Vol. II., p. 161, and has evidently been obtained from official sources: "80 barrels of flour; 11 rice; 7 pease; 6 firkins butter; 134 lbs. Pork, 7 damaged; 124 lbs. gunpowder; 300 swivel shot; 1 box musket shot; 6,564 musket cartridges; 150 stand French arms; 3 royal mortars; 61 shells; 500 hand grenades; Royal Fusileer Muskets, 83; accoutrements, 83; rigging for three vessels at least; 1 major, 2 caps., 3 lieut., capt. of Schooner (sunk) commissary, one surgeon; soldiers 83."

The official account of the number surrendering is given (Can. Arch., Q., II, p. 277), royal fusiliers, major, 1 capt., 4 lieuts., 1 surgeon, 5 sergeants, 3 drummers and fifers, 62 rank and file, royal artillery, 1 capt.-lieut., 1 corp., 3 matrosses; total, 82.

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Shortly after this painful intelligence, Preston received a letter from Stopford asking him to allow ten *bateaux* to pass unopposed ; they contained the garrison as prisoners, with the women and children. Preston could only accede to the request. The same day the rations were again reduced to a half-pound of bread, and a quarter of a pound of pork.

On the 29th of October, Mackay and Morin, with twenty volunteers, left the fort before dawn to obtain further intelligence. They seized a prisoner, and from him they learned of the failure of Carleton to relieve them. Sanguinet continually complains of Carleton's inactivity. He entirely sets out of view Carleton's want of power to act, and every consideration that must be kept in prominence when the situation is considered. The state of the 24th of June shews the strength of the regular troops in Canada, consisting of the 7th fusiliers and 26th regiment, to have been 859 of all ranks, and 130 of the royal artillery, making a total of 929. Many were scattered in detachments. By withdrawing the troops wherever possible, Carleton strengthened Saint John's. At Quebec, the few troops that remained had been placed under the command of Maclean, who made an effort to raise a regiment to which the name was given of the "Royal Emigrants."*

Carleton's endeavour to assemble the militia in Montreal had resulted in about nine hundred men being collected. They, however, could not be relied upon, for they disappeared thirty and forty in a night, and there was the prospect that in a few days the whole would melt away. They were without discipline; nevertheless, the desperate condition of Saint John's as represented by Preston's despatches imperatively required that an attempt should be made for its relief. Carleton accordingly determined to make a landing at Longueuil, and

* Two *seigneuries* had been granted since the conquest by Murray ; the first on the 27th April, 1762, to captain John Nairne, of the 79th Highlanders, at Murray Bay ; the second shortly afterwards in the same year to lieutenant Fraser at Mount Murray. It was from these *seigneuries* that the men for Maclean's regiment were principally obtained. A third *seigneurie* was subsequently granted by Lord Dorchester on the 4th July, 1783, to John Shoolbred, Bay of Chaleurs. The three grants above named comprise all that were so made of this character.

march by land to Sorel and there join Maclean's force which had been ordered thither, and thence, following the bank of the Richelieu, reach Saint John's. His design was then, in union with a sortie from the garrison, to make a determined assault upon Montgomery's lines. On the 30th of October,* Carleton attempted to cross the river in forty *bateaux*; his force consisted of 800 of the militia, 130 regular troops and 80 Indians. They found, on their arrival, the bank occupied by a strong force of congress troops. Montgomery had anticipated some such movement, and colonel Seth Warner had been placed in position with 300 Vermont men. It was a duty for which they were well fitted, to exercise their skill as shots against the advancing expedition. A 4-pdr. was also served by them with much effect, supplied by the ammunition obtained from Chambly. The consequence of this opposition was that the boats were thrown into confusion. Some of those on the extreme right effected a landing, expecting to be reinforced, but it was impossible for the other boats to come to their assistance. The consequence was that a few prisoners were taken; among them were one Lacoste, a hair dresser, and Mr. J. Bte. Despins, whose names will appear in the narrative of the capitulation of Saint John's. Carleton, accordingly, on the failure of his attempt returned to Montreal.

Maclean, on receiving orders to proceed to Sorel with what men he could collect, left Quebec on the 14th, with a force consisting of a portion of the lately raised regiment of the "Royal Emigrants," and about three hundred and fifty Canadian militia. His instructions were to establish himself at Sorel, which is forty-five miles from Montreal, until joined by Carleton. It was in the attempt to join Maclean that de

* Gordon, in his history of the American Revolution, places this affair on the 31st October. In the diary of the siege [p. 75], it is said that the defeat was heard of on the 29th by a party sent out to obtain news. In the journal on the American side, it is described as being known on the 31st. Berthelot [Verreault, p. 231] alludes to Gordon's statement as incorrect, with the remark: "Et tandis que les anciens Canadiens du temps la mettent au 26e." Sanguinet, who was present at Montreal, places the date on the 30th. I have accepted the last named.

Lanaudière had been attacked at Berthier. At Three Rivers Maclean's force was strengthened by some of the militia of the place, under Godefroy de Tonnancour. Sending a small detachment under the latter to Sorel, McLean himself proceeded to Nicolet, to engage the *habitants* of that parish to join him. He did not meet with a precise refusal, but experienced much opposition. Eventually the *habitants*, to save themselves from being forced to serve, took to the woods. Maclean, finding every attempt to obtain more men ending in failure, proceeded with his force to Sorel.

At the time he arrived there, he was met by captain Chabot with an armed schooner, and ten *bateaux* charged with arms and ammunition. This exhibition of force induced several of the *habitants* of the Richelieu parishes to enrol themselves, declaring their readiness to serve the king; but no sooner had they received their arms, than they deserted to the side of congress. Their example worked upon the troops who had marched with Maclean, and large numbers commenced to desert. In this situation, while awaiting the appearance of the troops from Montreal, the news came of the unsuccessful attempt of Carleton to land at Longueuil. Accordingly, Maclean, with what force remained to him, endeavoured to ascend by the bank of the Richelieu; but he found the bridges broken at Saint Denis and the road made impassable. At the same time he learned that Chamblly had surrendered; he consequently returned to Sorel. The failure of Carleton to land at Longueuil being confirmed, and the desertion from his force continuing, on the 2nd of November Maclean, destroying what he could not remove, transferred his men, with the cannon and provisions, on board the vessels at Sorel, and awaited further orders. On the fifth of November he heard of the surrender of Saint John's, and descending lake Saint Peter to Three Rivers, three days later he sent a boat on shore to learn if any congress troops were in the place. Hearing that none were present, he landed part of his force, and embarked all the provisions and arms and munitions which he could find in the barracks, even taking away what

powder was in the stores of the traders, and sailed for Quebec.*

I have somewhat anticipated the events which took place at Saint John's after the surrender of Chambly. I now return to the narrative of them.

The surrender of Chambly, which supplied Montgomery with the mortars and ammunition of which he was deficient, proved the turning point of the siege, and was the source of the woe and disaster that fell upon Canada during the winter of 1775-1776. Montgomery's position had become desperate. Every day it was more difficult to bring up provisions and men. In 1759, when Amherst had driven the French ships from lake Champlain by the end of October, the advance of the season made it impossible for him to proceed against île-aux-Noix.† Montgomery's men, without proper winter clothing, suffered from the excessive cold experienced at night, and the operations of the siege could not have been continued without painfully telling on those engaged, to the extent of rendering them unfit for duty. The position in which Stopford was placed as commandant of Chambly must have made him well acquainted with the condition of Saint John's, which was but twelve miles distant from Chambly. He knew, moreover, that the besiegers were at a great distance from the base of their supplies, and that every hour gained was an increased hope towards their abandonment of the siege. It was impossible for Stopford not to know that the safety of the province depended on Saint John's being held. A soldier of courage and honour, placed in Stopford's position would have felt how much depended on his fortitude and determination; and that it was his duty to protect the interests confided to him, so long as there were men to discharge a gun, and ammunition to load it. He preferred to surrender to a handful of assailants, after a few hours' attack, and then failed to destroy the ammunition and food, which he abandoned to the enemy. By this deplorable misconduct, he exposed his

Journal de Badeaux, Verreault's Invasion I., pp. 172-4.

† Ante, Vol. IV., p. 345.

comrades in arms in the adjoining post to be captured, and sent away prisoners on their surrender. Under Frederick the Great or Napoleon he would have been shot. Nevertheless, there is no record to shew that Stopford was even censured, or his advancement interfered with. One result certainly followed, that in the military opinion of the day in Canada, his want of conduct received contemptuous condemnation.*

Montgomery now erected batteries on the north of the fort with the Chambly guns. On the 1st of November they were unmasked, and a violent cannonade commenced. Several were wounded in the fort. In the evening of that day Montgomery sent a flag with the usual drum, the officer bearing a letter informing Preston, that Carleton had been driven back at Longueuil in his attempt to relieve the garrison. Lacoste, one of the prisoners taken, accompanied the party and bore testimony to the truth. Montgomery added that it was with much regret he saw brave men shedding their blood to defend a place no longer tenable; that relief was now impossible; and if Preston persevered in his attempts, Montgomery would not be responsible for the extremities which might follow. He called upon Preston to consider well the responsibility he was incurring. Captain Strong of the 26th returned with the messenger, asking a suspension of arms until noon of the following day, when an answer would be given.

On the 2nd, captain Williams of the artillery, with captain Strong, appeared at Montgomery's camp to ask for a delay of four days, and if no relief came within that period, proposals would be then made for a capitulation. Montgomery replied, that from the lateness of the season no such condition could be entertained, and he invited Preston to send an officer to confer with the other prisoner, Despins, present on board the sloop, to learn the truth of Carleton's failure to relieve the place.

A subaltern of the 7th was accordingly ordered with a drum, to make the enquiry. He saw Despins, and the statement was confirmed.

* Ante, p. 445.

Preston consequently submitted the terms on which he would capitulate. He claimed the honours of war for the garrison, and that the troops, with their baggage and effects, should proceed to the next port and embark for Great Britain ; the Canadians to return to their homes ; the sick and wounded to be cared for, and, on their recovery, to join their regiments.

Montgomery allowed no such conditions. The entire garrison, including the Canadians, must unconditionally surrender, and as prisoners of war be transferred to the locality the Connecticut government or congress would direct. The troops were, however, permitted to march out with the full honours of war, the officers to retain their side arms. Messengers were allowed to be despatched to Montreal, on parole, for clothing and other necessaries. The troops were to give over the fort at 8 o'clock on the following morning, and commissaries would receive the stores from the proper persons.

Preston had no alternative but to accept these conditions. There was one exception he felt called upon to take. Montgomery, after speaking of the fortitude and perseverance of the garrison, had insolently and unnecessarily introduced the phrase : "I wish they had been in a better cause." Preston insisted upon its being entirely erased, "the garrison being determined rather to die with their arms in their hands than submit to the indignity of such reflection." The firm attitude of Preston had its full influence upon Montgomery.* He felt the danger of meeting six hundred desperate men, who, on a point of honour, set aside all regard for their own safety, and who were prepared to face death in its sternest form, rather than become accessories to their own disgrace and humiliation. No thought of quarter, either given or taken, would have been the result. The offensive words were entirely expunged.†

* The articles of capitulation, in full, are given at the end of the chapter.

† The conduct of Preston is particularly worthy of remembrance, as it formed the precedent on which Burgoyne acted two years later in the convention of

On the morning of the 3rd of November, at 10 o'clock, the surrender was made. The garrison marched out with the honours of war, grounded their arms, and surrendered as prisoners. Some officers of the garrison, with Messrs. Hervey and Magdelaine on the part of the Canadians, left for Montreal to obtain clothes and necessaries to be carried by the men into captivity. Two companies of congress troops took possession of the fort, which, with its slight fortifications, for forty-five days had been so gallantly defended. The total number of those who surrendered was 688.* During the siege, sixteen were killed or died of their wounds, about eighteen were so seriously wounded as to be disabled or to lose their limbs, sixty were otherwise wounded. Thus every eighth man had been killed or wounded. The prisoners were immediately sent up lake Champlain to be forwarded to their destination, in the first instance to Albany and afterwards to New Jersey.†

Montgomery was now free to act to carry out the purpose for which he was present in Canada; the occupation of the province, in order to commit it to the cause of independence of the whole American continent, freed from British control.

Saratoga, on the 12th of October, in answer to the demand of Gates that the British force should ground arms. Burgoyne replied that sooner than consent to this act, "they will rush on the enemy determined to take no quarter." The speech has been remembered to Burgoyne's benefit. One half of its charm, however, disappears when it is known he was not the first to express the sentiment. Burgoyne was at Saint John's in 1776; it was the spot from which he started in his unfortunate campaign of 1777, and Preston's conduct must have been well known to him.

* The state is given at the end of this chapter.

† There are letters from Juchereau Duchesnay, Seigneur of Beauport, to his connection, Hon. Frs. Baby, establishing the fact [Verreault, p. 320-321]: "Fort Jean, ce 2 Novembre, 1775. Après avoir été blagués [sic] le 14 septembre au soir, nous avons été obligés, pour comble de malheur, de rendre ce jour la place, après avoir essayé la plus grande misère, que j'ai eue dans toutes mes campagnes. Les blessés et morts se montent à soixante et quelques personnes. Notre résistance nous a fait obtenir les honneurs de la guerre et la douce satisfaction d'être traînés à Connecticut : un coup de fusil au travers du corps à Montréal me ferait beaucoup moins de peine et de tort. . . . Nous partons à huit heures du matin, demain." And again from Albany on the 8th of February, he says: "Tous nos messieurs sont partis pour la Nouvelle Jersey."

Saint John's had literally been the portal of Canada ; so long as it was held by a British garrison, it could not be passed by, and left unnoticed behind. The impediment had been removed, and the province was now thrown open to him. His parties had for some time held possession of the country south of the Saint Lawrence ; he was now to extend his authority, as he believed and expected, over the whole of Canada. It was all important that he should not delay his movements, for the expedition of Arnold by the Kennebec, in connection with his own, had started from Casco bay, and had at this date been six weeks on its journey. Both the expeditions of Montgomery and Arnold had been undertaken from the reliance placed on the co-operation of the Canadians. Indeed, without it neither would have succeeded. The extrication of Montgomery at the last hour, when success was possible, by the capitulation of Chamby, from the difficulties which threatened him, is a proof how narrowly he escaped destruction. Both expeditions must be regarded as having been recklessly undertaken, even when all the favourable circumstances connected with them are kept in prominence. Both were successful in different degrees ; Montgomery's eminently so, and, it is but justice to him to add, in a large degree owing to his ability and judgment.

Without delay, and the season was a stern counsellor that such should be the case, he took steps to assure his conquest. Two hundred men were placed in the forts of Saint John's and Chamby ; one hundred men were sent across the country to seize Laprairie. Colonel Easton and major Brown descended the Richelieu to Sorel, with three hundred provincials and six hundred Canadians, with cannon, to drive back any vessels attempting to descend the river. The design was also to attack Maclean, but he had already passed down lake Saint Peter. Warren was ordered with three hundred men to take post at Longueuil. Messages were despatched to Caughnawaga, the Indian reserve, to demand that the Indians should remain neutral in their village. They had already, some weeks previously, retired from an active part in the contest at

Saint John's; considering the support of Montgomery to be that of the strongest side, they readily complied. Montgomery himself prepared to take possession of Montreal, and advanced to Laprairie, where he collected, as rapidly as he was able, the boats and *bateaux* which would admit of his transporting his force across the river.

On hearing the news of the surrender of Saint John's, Carleton dismissed to their homes the Canadians under arms who had remained in Montreal. He spiked the cannon and burned the *bateaux* he could not use, and caused the munitions, provisions and baggage to be loaded on the three armed sloops. There were about one hundred and twenty regular troops, who also embarked on the vessels available.

Carleton must have felt it a point of honour to remain at Montreal. He knew well that the only mode of preserving Canada was the retention of Quebec, and that, provided the city could be held during winter, the reinforcements which would arrive in spring would sweep the congress troops before them; and so it proved. His policy was at once to have left Montreal to its fate, for none other was possible. The capture of the city was an event which was inevitable, and in such case the sooner the disaster was met, the better chance that the more favourable conditions would be obtained. Carleton, however, remained in Montreal until the 11th, when the news arrived, that Montgomery's force was crossing from Laprairie to Saint Paul's island.* There was something unusually sad in his departure, which took place at five in the afternoon. Sanguinet compares it to a funeral. Several of the citizens accompanied him to the waterside, and he left amid general depression.†

Carleton was accompanied by brigadier Prescott, and the military of the garrison and staff. There were three armed vessels, and with the provision and small craft, the flotilla,

* Now called Nuns' Island, which lies directly in the route from Laprairie to Montreal.

† "Plusieurs personnes furent accompagnées le général jusqu'au bord de l'eau. Ce départ avoit l'air d'un enterrement des plus tristes."—[Verreault, I., p. 79.]

consisted of eleven sail. For the first hours the wind was fair, when, on the 12th of June, one of the vessels unfortunately ran aground; according to Badeaux, this must have been at Lavaltrie, twelve miles west of Sorel. The wind now became contrary, and the vessels unable to move forward, remained in this position during the 13th and 14th. In the meantime, the congress troops had constructed several batteries to prevent the passage of the vessels above Sorel, one being placed on île Saint Ignace, opposite that place. These preparations being completed, Easton on the 15th sent a written summons to Carleton, calling upon him to capitulate.* A council was called as to the steps to be taken. The opinion was unanimous that every effort should be made to assure the safe arrival of Carleton at Quebec, now the only place which could withstand the further progress of the congress troops; and Carleton's presence there was of the greatest importance in taking measures for its defence. Captain Belette, who commanded one of the armed vessels, pledged himself to face the attacking force of boats, so as to give time for Quebec to be reached. Captain Bouchette, who by the celerity of his movements had obtained the name of "La Tourtre,"† offered himself to convey the governor in a barge, and this advice was accepted.

On the night of the 16th and 17th of November, the governor went on board the barge with Bouchette; the oars were muffled. As they approached the islands, the boat was softly propelled only by the palms of the hands, particularly when in the channel of the île-du-Pas. The night passed without the boat being discovered. On lake Saint Peter the rowers worked vigorously, and on the 17th, at noon, they reached Three Rivers. Carleton, with his aide-de-camp, de Lanau-diére, de Niverville, and Bouchette went on shore. The first person they met was Frazer, a royalist. In the reply to their question if there were any congress troops in the place, Frazer replied there were none in Three Rivers, but there

* Can. Arch., Q., II, p. 323.

† The wild pigeon.

was a force at point aux-Trembles, above Quebec. Carleton could not think it possible ; but de Tonnancour arrived, who confirmed the fact. Millet, a resident of Three Rivers, waited upon the governor, and informed him that six hundred congress troops had arrived at Machiche, a river midway on the north shore of lake Saint Peter, and they would soon be at Three Rivers. There was no time to lose, and, having taken some dinner, Carleton started at three o'clock. At the foot of the then Richelieu rapids* at point Platon, he met the armed snow "Fell," captain Napier, on board of which he was received. The vessel, without interference, passed point aux-Trembles, where Arnold had taken position, and on Sunday, the 19th of November, in the afternoon, accompanied by de Lanaudière, captain Owen, lieutenant Selwyn of the 7th, and by the soldiers who had rowed the barge, Carleton entered the walls of Quebec to conduct the defences during the siege of the next few months.

It is necessary to return to the eleven vessels detained at Lavaltrie, on which were brigadier Prescott, with one hundred and thirty of the Montreal garrison. On the morning of the 19th, Easton, who had passed to the north shore with his whole force, which he appears to have increased, sent major Brown with a peremptory demand to surrender. It does not seem that Prescott entertained any idea of resistance. He offered to give over the vessels, on condition that he and his men were permitted to proceed to Quebec. Easton rejected the conditions, and allowed Prescott four hours for a reply, adding that if at that period he had not struck his flag, he would storm the boats.

Prescott surrendered : he first, however, threw the powder into the Saint Lawrence. The congress troops accordingly took possession of the vessels, artillery and provisions. The north-west wind being favourable, the flotilla immediately started for Montreal, bringing also the prisoners. They arrived on the 22nd. Montgomery ordered them to parade

* These rapids have since been removed by blasting, and there is nothing more than an accelerated current.

on the river bank the following morning, before the market, and there lay down their arms. Sixty congress troops were present, mostly young men. Walker, who had been on board a prisoner in irons, on his way to Quebec, having been released at the time of the capture of Prescott, and the troops took part in the ceremony on the side of congress, and he is represented as not having treated the imprisoned brigadier with particular courtesy. The troops, with Prescott, were sent to Chambly. Some of the officers, however, were permitted to remain at Montreal, and some at Boucherville, on parole.

Prescott's conduct has always remained unaccounted for. The only explanation is that of colonel Caldwell,* that, after Carleton's departure, the pilots mutinied and refused to conduct the vessels past the batteries, and the Canadian sailors who formed the crew would not perform their duty. The fact remains that Prescott, considering that he could not force his way up the river with his vessels, unconditionally surrendered. The gain of this means of transport by water was essentially what Montgomery desired. He had taken possession of Montreal on the 13th, and had remained in the city, owing to his not possessing the vessels on which he could embark his force. Three Rivers had capitulated to him in Montreal; when in the city, Montgomery had heard from Arnold that he had established himself at point aux-Trembles, and it was the vessels surrendered by Prescott which enabled him to descend the Saint Lawrence, and to effect a junction with the troops who had reached Canada by the Kennebec, and commence the operations before Quebec. He did so, with the full expectation that it would fall in a few days into his hands, as being incapable of defence, and that there would then be an end of British power in Canada.

* Invasion of Canada in 1775. Historical Society of Quebec, p. 4.

St. John's, 2 Nov., 1775.

"Articles of Capitulation proposed by Major Charles Preston for his Majesty's forts in St. John's, in the Province of Canada.*

Art. 1. All Acts of Hostilities shall cease on both sides 'till Articles of Capitulation shall be agreed upon & signed.

Agreed.

Art. 2. The Garrison shall be allowed all the Honors of War and suffered to proceed with their Baggage and Effects to the most convenient Port in America, from thence to embark for Great Britain, as soon as they shall be furnished with Transports & Provisions by His Excellency Gen^b Gage or the Commander in Chief of his Majesty's Troops in America.

The Garrison shall march out with the Honors of War, this is due to their Fortitude & Perseverence.

The non commissioned Officers and Privates shall ground their Arms on the Plain South of the Fort and immediately embark on board such Boats as shall be provided for the purpose. The Officers shall keep their side Arms, and their Fire Arms shall be put up in a Box and delivered to them when those (*sic*) unhappy Disputes are ended, if they do not chuse (*sic*) to dispose of them before.

The Garrison must go to Connecticut Government or to such other province, as the Honorable the Continental Congress shall direct, there to remain, until our unhappy Differences shall be compromised, or till they are exchanged. Our Prisoners have been constantly treated with a brotherly affection. The Effects of the Garrison shall not be withheld from them.

Agreed to in the fullest Latitude.

Art. 3. An Officer or Quarter-Master from each Corps shall be allowed to pass to Montreal upon Parole of Honor, there to transact and settle the Business of his respective Corps and to bring up their Baggage, Cloathing (*sic*) and Pay, for which Purpose they shall be furnished with Carts and Batteaux (*sic*).

Answered in the Second, the Canadian Gentlemen and others being part of the Garrison.

Art. 4. The Canadian Gentlemen Inhabitants and other persons residing in the Province and now at St. Johns shall be permitted to return unmolested to their respective

* Can. Arch., Q., II, p. 278.

Homes with their Arms and Baggage and remain secure in their Property and Effects.

Art. 5. The Sick and wounded shall be taken proper care of and permitted to join their respective Corps or return to their respective Homes upon their Recovery.

Art. 6. As soon as the above Articles shall be signed, Major C. Preston will deliver up the Forts with the Ammunition, Provisions, &c.

The Sick and wounded shall be taken care of by their own Surgeons and when recovered follow their respective Corps.

To Morrow Morning at 8 o'clock the garrison will march out, having first collected their Baggage and Effects in a convenient Place for embarking and leaving a Guard for its Protection. The officers must be upon Honor with respect to their Baggage, for should any Canadian or other, effect his Escape, his Baggage shall be given as Plunder to the Troops. The Quarter Master Gen^l. with proper Commissaires will attend at 8 o'clock to receive the Artillery Ammunition Naval stores &c.

The Deserters from the Continental Army shall not be included in the Stipulation for the Garrison.

The Commanding Officer to sign & deliver the Articles of Capitulation by Sunset this Evening.

The Answers to the above Articles will be assented to by Major Preston, provided the Expression (in answer to Article 2nd, "I wish they had been in a better cause,") being entirely erased, the Garrison being determined rather to die with their Arms in their Hands than submit to the Indignity of such a reflection.

Abstract of state of troops who surrendered at Saint John's, 2 November, 1775.

	Officers.	Sergeants.	Rank and File.	Total.	Grand Total.
H.M. Royal Fusiliers.....	14	11	234	259	
" 26th Regiment.....	15	11	182	208	
" Royal Artillery.....	4	2	62	68	
" Royal Navy.....	4	...	11	15	
McLean's Corps.....	...	2	16	18	
Sick and Wounded.....	...	...	29	29	
	—	—	—	—	
	37	26	534	...	597

[Canadian Archives, Q., 11, p. 282.]

Canadian Volunteers.

Officiers et Gentilshommes.....	...	...	...	21	
Volontaires Particuliers.....	...	...	...	6	
Officiers de Milice de Montreal et 3 Rivieres.....	...	...	...	16	
Officiers de Milice des Campagnes.....	...	...	...	10	
Miliciens des Villes et des Campagnes : Montreal.....	...	...	4	...	
3 Rivers.....	...	...	3	...	
Mascouche .....	...	...	2	...	
St. Eustache et St. Genevieve.....	...	...	3	...	
Varennes.....	...	...	1	...	
Machiche.....	...	...	2	...	
Point du Lac.....	...	...	5	...	
Riviere du Loup (en haut).....	...	...	9	...	
Volontaires de M. Mackay.....	...	...	7	...	
	—	—	36		
Indiens.....	...	...	2	—	91
	—	—	—	688	
Total.....	...	...	...	—

[Q., 11, p. 284.]

CHAPTER IV.

On the day of Carleton's departure, the congress troops crossing from Laprairie had reached Saint Paul's island, a league to the west of Montreal. There they remained waiting for further orders. As the news became known, the sympathizers with congress shewed their feelings openly, abandoned their arms, and said they were tired of the farce of serving the government.*

The inhabitants of the suburbs would not enter the town. The gates were closed, and those devoted to the authority of the crown remained under arms. Mention has been made of one Bindon, who carried the news to Allen that troops were marching against him. He had explained away his conduct by admitting that he had acted without judgment, and had continued in apparent performance of his duty as a member of the volunteer companies. On this day he was on sentry at one of the embrasures, when he permitted two men to pass through the opening to communicate to the congress troops the condition of the city. One was a partner of Price, already named, a strong partisan of the Boston agitation. The 12th of November fell on a Sunday, and, about nine o'clock, as many were proceeding to church, the city was thrown into great agitation by the news that Montgomery's force was observed coming from Saint Paul's island, and making its way to point Saint Charles, where it must shortly arrive. The citizens hastily assembled to determine upon some course of action, and, finally, a committee of twelve was chosen to meet Montgomery and confer with him. There was no hope of any defence of the city. The few troops, who had remained behind, had left the preceding evening with Carleton, and the

* "Qu'il y avoit assez long temps qu'ils faisoient la grimace." Verreault, I., p. 79.

militia of the northern parishes had been despatched to their homes upon the news of the surrender of Saint John's. Of the inhabitants of the city few were willing to take up arms to defend it. All that could be done was to obtain the best terms possible.

The parties selected went forward to meet Montgomery. They endeavoured to put the best face on the situation, and asked him his purpose in advancing with an armed force against the place. Montgomery quietly told them that he came as a friend, and that he would give them four hours to consider the conditions on which they would accept his authority. The deputation then called upon him not to approach nearer to the city. Montgomery answered that it was somewhat cold weather, and immediately sent fifty men to occupy the Recollet suburb, and, before four o'clock, his whole force was established there.

There was much feeling among those loyal to Great Britain that they should enter into a capitulation without the least resistance. Even in the desperate circumstances in which Montreal was placed, there were those who were ready to make a last effort to save it from this fate. To such as these, it seemed disgraceful, that a few hundred men should take possession of a city of twelve thousand inhabitants. Several were desirous of resisting the attack, but Montgomery knew what was before him. Many of the inhabitants of the suburbs had seen him at point Saint Charles, and had assured him of their neutrality. There was a strong party in the city prepared in any struggle to side with him, and there were not four hundred persons well disposed to the government; the latter without ammunition or provisions. The terms of capitulation were therefore drawn up and placed in Montgomery's hands: he received them with courtesy, promised to examine them, and that shortly he would communicate his reply.

At seven o'clock Montgomery sent three deputies, one of which was the James Price previously mentioned. Although a citizen of Montreal, and his wife was present in the place,

he endeavoured according to Sanguinet to make the terms as hard as possible. The discussion continued until midnight, when finally the deputies proceeded to the Recollet suburbs and saw Montgomery himself, who gave his decision in writing.

The committee charged with negotiating the articles of capitulation presented them under nine heads; that the citizens, including the religious orders, should enjoy their rights and properties; that both the French and English should be maintained in the free exercise of their religion; that trade in the interior and upper part of the province and beyond the seas should be uninterrupted; that passports on legitimate business should be granted; that the citizens and inhabitants of Montreal should not be called upon to bear arms against the mother country; that the inhabitants of Montreal, and of every part of the province, who had borne arms for the defence of the province, then prisoners, should be released; that the courts of justice should be re-established and the judges elected by the people; that the inhabitants of the city should not be forced to receive the troops; that no *habitant* of the country parishes, and no Indian should be admitted into the city, until the commandant had taken possession of it, and made provision for its safety.

Montgomery treated the demands somewhat summarily, but not ungenerously. He pointed out that the city, being without artillery, troops and provisions, was not in a position to make any capitulation. The continental army had a generous disdain of all acts of oppression and violence, and had appeared in Canada to establish liberty and safety. The general accordingly pledged his personal honour to the observance of the conditions asked, in the matter of property and the exercise of religion. From the unhappy differences between Great Britain and the colonies, he was unable to engage that trade should be continued with the mother country. As far as he was able, having in view the public interest, he would gladly protect and extend trade, and grant passports for the upper country. He hoped to see a

provincial convention by means of which the rights of Canada and the sister provinces would be permanently assured. He gave his promise that the inhabitants should not be called upon to bear arms against the mother country, or be forced to contribute to the expense of the war. He accepted generally the other demands, with the understanding that the engagement into which he entered should be observed by those who succeeded him in his command. I shall have, hereafter, to speak of Arnold in command at Montreal. The contrast between the characters of the two men will be fully apparent.

On the 13th of November, 1775, the troops of congress took possession of the city. Montgomery was not without some mark of personal compliment on the occasion. Forty residents in the *faubourg* signed, or placed their cross to an address, made to him, written by one Valentin Gautard. The opening lines are typical of the nonsense : "The darkness in which we were involved is now dispelled ; daylight shines upon us ; our chains are broken," and so on. The burden was the expression of devotion to the cause of congress, pointing out that citizens of Montreal ought only to be regarded as a conquered people.

In Three Rivers, steps were taken as early as the 9th for the surrender of the city. On the preceding day, the inhabitants heard from colonel Maclean of the threatened approach of the troops of congress, and a meeting was held at the Recollet church to determine the policy to be followed. It was felt that the city of Three Rivers was in no position to ask for any terms of capitulation. It was therefore agreed to address a memorial to Montgomery acknowledging his authority. Two citizens of the place, William Morris and Pierre Baby, were deputed to present it ; it was signed by twenty-one of the inhabitants. It briefly set forth that, expecting a detachment of troops within the burg, they asked to be treated as others who had fallen into Montgomery's hands. They accordingly prayed that the officers in command should be instructed to prevent the soldiers committing

insult or wrong. Baby, however, declined to leave unless money was found for his expenses. Nothing was therefore done until the 18th, the day after the departure from Three Rivers of Carleton. Badeaux, the writer of the journal, had been appointed in the first instance, but he had pleaded his inability, owing to private affairs, to accept the mission, so Baby had been named. Circumstances led him to think that the English inhabitants were about to act independently of the Canadians, consequently he saw Morris, who informed him that Baby declined to leave, for the cause named, upon which Badeaux offered to take his place. Morris consented, and the two started at noon on the 18th. That night, they slept at Maskinongé. They found the congress troops at Berthier and Lavaltrie, having arrived at the time when Prescott had been called upon to surrender in four hours; they reached Repentigny in the evening. They left early on the 20th, and stopped half an hour for breakfast. As Badeaux spoke English well, they both agreed to pass for "Bastionnois;" and they received all sorts of compliments and thanks for having arrived, as the people said, adds Badeaux, to establish their liberty. Badeaux created some sensation by paying for his breakfast with a silver dollar; for the previous arrivals in Montgomery's army had only paper to offer; and being regarded as a representative man, the production of silver gladdened the hearts of the French Canadian partisans of congress. They had not forgotten the paper money and ordinances of Bigot. The landlady did not conceal her admiration, and this act of virtue on the part of an officer of congress doubtless soon passed through the parish.*

They arrived in Montreal at noon, as the "Angelus" was ringing, and immediately waited upon Montgomery. He

* "Quand nous eumes finis de déjeuner, je tirai une piastre et dit à l'hôtesse : Payez-vous de ce que nous avons eû. Elle prit cette piastre; la tenante dans deux doigts, elle la montrroit à toutes les personnes que étoient dans la maison, en leur disant : 'Voyez-vous comme ces messieurs les Bastionnois n'ont point d'argent ! On voulait nous faire entendre qu' ils n'avoient que des billets, en voici la preuve, regardés si ils nous parlent de papier, ils payent en bon argent.' Nous les laissames dans la persuasion que nous estions Bastionnois et que nous avions beaucoup d'argent." Badeaux, invasion par les Americans. [Verreault, p. 179.]

received them courteously, and told them that any fear they entertained need not be of his troops, but of the Canadians who had joined him. He gave them a few lines in writing to the effect that his troops would be discredited [*terris*] by no act of oppression.

The two returned to Three Rivers with the reply, daily expecting the arrival of a detachment. None came. Montgomery descended the river in the boats taken at the surrender of Prescott, and, early in December, the vessels passed Three Rivers without stopping; but Price appeared for a few hours to obtain clothing and rum. Some slight disorder was threatened by the appearance of one Loiseau, with about sixty Canadians, who took upon himself to search the houses of the royalists for arms. But he found none, and, in his disappointment, threatened to pillage the residence of de Tonnancour. It was not until the beginning of February that any congress troops permanently occupied Three Rivers.

Montgomery remained in Montreal until the end of November. One cause of his stay was to await the arrival of his detachments which he had called in, and to learn the success of the force placed by him at Sorel. On the 22nd Easton arrived with the eleven vessels taken at Lavaltrie, containing Prescott and his detachment as prisoners. Montgomery had now the means of joining Arnold, of whose arrival at the Saint Lawrence, and of his failure to take Quebec by a *coup de main* he had heard. Arnold was at point aux-Trembles, and Montgomery descended the river as rapidly as he was able, to take command of the besieging force; as has been said, passing by Three Rivers without stopping.

Montgomery on leaving Montreal placed Wooster in command of the detachment left in the city. Wooster's first duty was to disseminate an address from Washington. It was an appeal to the Canadians to take the side of congress. It set forth that the colonies trusted to the justice of their cause and the purity of their motives, and they had been forced to appeal to the Being that controlled human events.

Their virtuous efforts had been blessed and they had seen the British soldiers, who were renowned throughout the world, humbled and disgraced. There was much in this strain, with the intimation that the force under Schuyler had been sent to protect, not to plunder the province. Therefore, no one should abandon his home, no one should take flight; the cause of the Americans was the cause of liberty and religion. The Canadians were exhorted to range themselves under the standard of freedom, which the force and cunning of tyranny could never pull down.*

It cannot be said that the document effected the result anticipated. The Canadians as a body were not gratified at seeing the troops of congress in Montreal. There were, however, many who favoured their presence, and, so long as this feeling prevailed to any extent, the colonial force could count upon their presence in Canada being tolerated, if not accepted as a permanent fact.

While Montgomery was attacking Canada on the west from lake Champlain, an invasion had taken place on the east, by which it was hoped that Quebec might be surprised. The expedition was intrusted to Arnold, and from the circumstance, that papers relating to the topography of his march were found among his property, on its confiscation after his flight from West Point in 1780, the conclusion has been drawn that the first conception of the undertaking may be attributed to him. I cannot entertain this view. The fact of the duty being intrusted to Arnold would account for all papers, or copies of them being found in his possession. The document in question was the report of colonel Montresor, then, however, a captain, who in 1761 ascended the Chaudière, and passed the height of land to reach Moose Head lake; thence he descended the Kennebec to Casco bay. On his return, he ascended the main stream to what is known as

* This address is given in English at the end of this chapter. It was likewise disseminated in French. It was brought to Canada by Arnold, and must have been sent by him to Montreal. Arnold acknowledges its receipt at fort Weston, on the Kennebec, on the 25th of September, in a letter to Washington.

Dead river, which he followed to the height of land, and reached lake Megantic, then called Chaudière pond, and descended the Chaudière to the Saint Lawrence. Montresor gave the most definite instructions as to the route, and he is particular in stating that he carefully "blazed" a line through the *portage* at the junction of the Dead river and the Kennebec, so that those following him would have no difficulty in finding the line. Any one at all accustomed to the woods knows that such a line is traceable for half a century, and there are instances of these designations having retained their significance even for a longer date. Thus Arnold, in ascending the river and crossing the height of land, had really nothing to learn. His route had been prepared for him.

As Washington commissioned Arnold to the undertaking, my own view is that it is to him that the conception must be affiliated. An engineer by profession, Washington must have understood Montresor's report, and have seen that Quebec could be easily gained by the route described, if the Indians and French Canadians offered no opposition. It is not beyond probability that the report was obtained by Price or some of the sympathizers in Quebec, and placed in Washington's hands; and that on his receiving assurance the French Canadians would be neutral, and that there was an active party in the city ready to act with the congress troops, he gave orders for the organization of the expedition. Montresor's report establishes the absence of all difficulty. On his return, he left fort Halifax on the 9th of July, and on the 13th reached the tributary of the Kennebec he was to ascend, the Dead river. Carefully laying out by "blazes" the line of route, in seven days he came to lake Megantic. This period included his exploration, and the time given to marking the line. These established figures shew that Arnold's march was attended with little unusual effort.

* In order that this point may be fairly judged, I append an abstract of Montresor's report. It is to be found in vol. I, p. 340, of the proceedings of the Maine Historical Society, 1831. The Journal was found among the papers of Arnold, when his property was confiscated by the state of Connecticut.

14th June. Embarked on Chaudière. 18th. Reached River des Loups,

There has nevertheless been considerable exaggeration about Arnold's expedition, as if it were an extraordinary undertaking, and it has been dwelt upon as a wonderful

ascended to where carrying place begins. 24th. Few blazes, the Abenakis having left few vestiges; the carrying place 4 leagues. 25th. Came to one of branches of lake. 26th. Encamped. 27th. Embarked on branch; reached lake Moose-Head, named from a mountain resembling a moose deer in stooping position. July 1st. On the Arransoah or Kennebec. 7th. Reached Fort Halifax, built by Shirley [1754], (now Waterville); tide brings sloop as far as Fort Western, six leagues below Fort Halifax: Fort Western, 41 miles from Casco Bay, in which Kennebec discharges. 9th. Left on evening. 10th, 11th, 12th. Ascended river; excessive heat; water low level. 13th. Came to Dead river.

The Kennebec. "Before it joins the eastern branch, the Kennebec has a great many windings, is full of islands, shallow and rapid. To avoid these inconveniences, it is usual to carry the canoes through the woods till you meet the river, where it is of great depth and its current hardly perceptible. This *portage* is divided by three different lakes, each of which is to be passed before you can arrive at the Dead river, so called, being the western branch of the Kennebec." It has been formerly mentioned that although the French made use of the eastern road to go into New England, yet this was always looked upon both by them and the English, as the most eligible road to enter Canada. In order, therefore, to make these portages more remarkable, we took care to blais [*sic*] all the portages from the Kennebec to lake Megantic, in such a manner as to make the way much less difficult for whoever may follow. A little above the *portage*, a remarkable brook falls into the river, which forms the first or nearest lake."

July 14. "Left Kennebec: after walking 8 miles came to first lake 600 yards in length, 400 in breadth; took *portage*, in an hour reached second lake, three-fourths of a mile, of no great breadth—paddled through the rushes to the mouth of large creek into which we went—after 500 yards it inclined backwards, here we landed; after much difficulty found *portage*, came to third lake, encamped here. 15th. From opposite side of lake, land rose to a ridge of hills over which appeared the mountain; crossed a savanna—passed through woods to second savanna, following a small stream, we reached the river about 60 yards in breadth. 16th. Ascended river in two leagues, passed mountain, river with many windings, ascended river to forks. 17th, 18th. Ascended river, meeting falls and rapids, the river greatly diminished, passed through two lakes entirely surrounded with mountains, the current easily perceptible at outlet, entered rivulet, we were here four leagues from lake Megantic. 19th. Entered upon the *portage*, passed through three lakes, which considerably aided us. Bidding adieu to the southern waters, our ascent was considerable. Walking two miles we gained the greatest height and commenced to descend, in three miles came to a small tributary. Soon arrived at river Megantic, a large brook, over which canoes made great progress. Passed four miles down river, night came on, but we rowed on two miles further & reached lake Megantic, where we camped. July 20th. We found ourselves on lake Megantic."

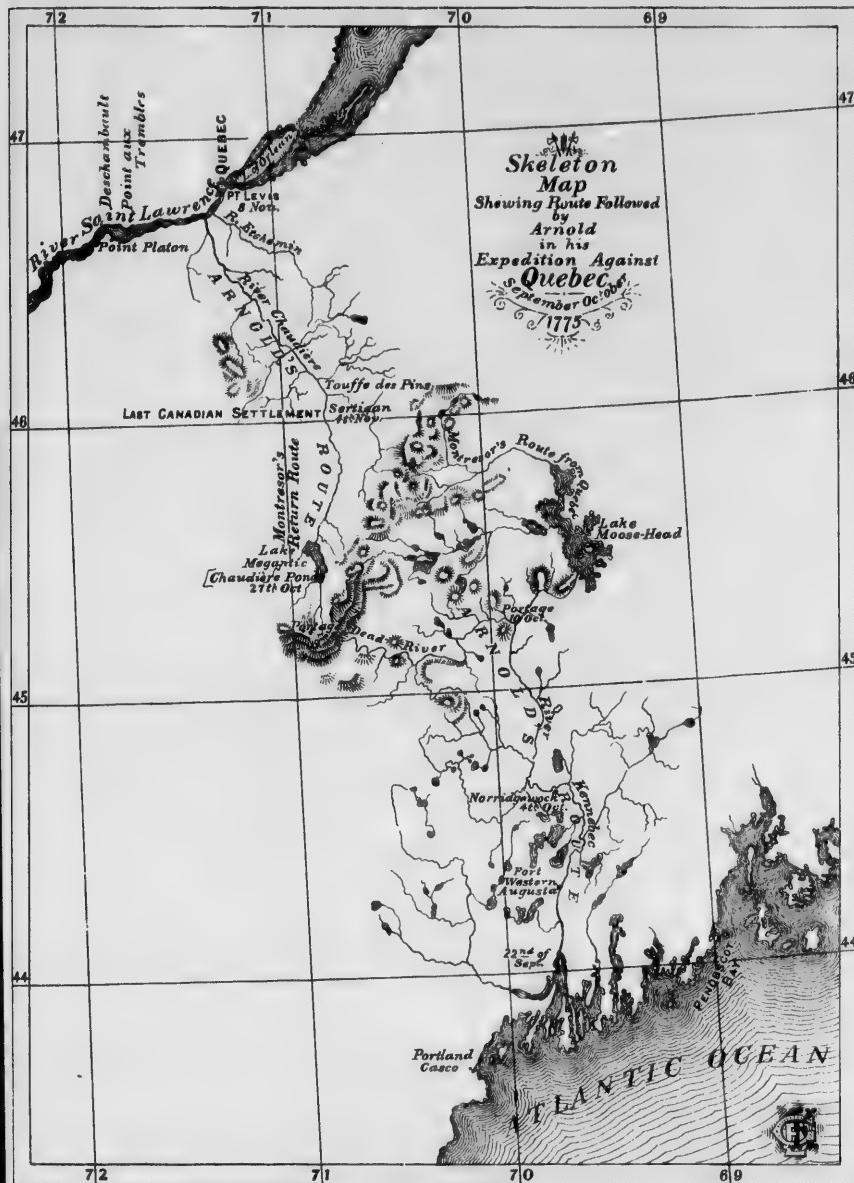
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example of endurance and courage. Compared to the many winter marches of the French Canadians which I have recorded in my previous volumes, it was a poor affair, and merits little mention as a tax upon strength. Indeed, it would not be my duty in any way to dwell upon its detail, except from the misrepresentation with which it has been described. It occurred at a period of the year when such an expedition in the days of youth, strength, and love of adventure is regarded to this day in Canada as an ordinary "outing." It is no rare occasion for two or three young men, good canoesmen, not afraid to trust themselves to an untested rapid, to leave the beaten paths of travel, and to seek for freshness of spirit and rude health, by exploring scenes free from the influence of civilization, yearly becoming more difficult to reach. Arnold's route had not even the distinction of being imperfectly known; it had been travelled over for a century, and was the recognised passage of communication between New England and Canada. It had not been allowed to fall into forgetfulness. Murray, when administering the government of Quebec in 1761, wrote* that he had undertaken to take charge of the Chaudière, and the survey was far advanced to fort Halifax.

It was the expedition of Montresor to which I have alluded. Arnold was thus enabled to start, without the least hesitation as to the route he should take. The season selected was the most favourable in the year. The flies which infest the woods in the summer months, and prove such a pest to the fisherman and hunter, had disappeared. There was no excessive heat to tax the wayfarer by day; if the nights were sometimes chilly, there was plenty of wood for a blazing fire to be made before the camp, protected by a covering of bush, with beds built up of young hemlock boughs, which furnish the best of resting places. There was, moreover, little political mistrust concerning the situation. Canada had been carefully prepared to throw itself into the arms of congress. The Montreal English speaking popula-

* Can. Arch., Q., I, p. 6. May 13th.

tion was regarded, to a great extent, as sustaining the provincial view; and it was thought that its committee of correspondence at Quebec could be counted upon to extend assistance and countenance to the expedition. The French Canadians were looked upon, under unfavourable considerations, as being strictly neutral, and if no aid would be rendered by, no opposition was to be expected from them. The influence of the priests was known to be on the side of the government; but it was considered that it would prove of little avail before the appearance of a strong, well organized force, which would be unopposed. The theory of Arnold, and it was one which likewise seems to have guided Washington, was that the troops of congress had nothing more to do than shew themselves and effect a junction with Schuyler, at that period in command, when the gates of Quebec would be opened by the sympathizers, with whom he was in correspondence.* Quebec had scarcely a soldier; it was considered that the operations which were being carried on in the east of the province on the Richelieu would make all opposition on the part of the city impossible, and that the place would be forced to surrender before relief could reach it. Everything depended on Arnold's celerity of movement, and the passiveness of the French Canadians, who were confidently looked upon as certain to take the winning side.

The expedition consisted of ten companies from New England, and three companies of riflemen from Virginia and Pennsylvania, in number about 1100 men, and was supplied with provisions for forty-five days. The troops assembled at Cambridge on the 11th of September, and marched to Newbury, where the boats were taken to reach the Kennebec. The force landed on the 22nd, and proceeded to fort Weston, the present Augusta, and at this place was organized into four divisions. The first was that of Morgan's riflemen: the

* See Washington's instructions to Arnold, Vol. III. of his correspondence, dated Cambridge, 14th of September, 1775; and his letter to Arnold of the 5th of September, in which he writes of the "insuperable difficulties" which have been overcome. Washington hoped that Arnold was in possession of Quebec.

second, of three companies under Green and Bigelow; the third under Miggs, with the fourth, constituting the rear-guard, under Enos. In this order they commenced the ascent of the Kennebec; where rapids intervened the *bateaux* were carried by land. On the 4th of October they reached Norridgewock. The river was well known to this spot; half a century back the jesuit Rasle * had presided over this Indian settlement, periodically sending out hordes of Abenakis to destroy the homesteads of New England on the newly occupied land. In 1724, the place was attacked; Rasle, and several of the chiefs, most persevering in their hostility, were killed, the church burned, and the settlement uprooted.

Proceeding up the Kennebec on the 10th, the force reached the mouth of the Dead river; the tributary to be ascended. There was a broken *portage* of a series of rapids, with some intervals of quiet water, over which the *bateaux* had to be taken. The Dead river was eighty-three miles in length before its sources were reached on the high land. The difficulties experienced could have been only of an ordinary character; for, in fourteen days, the summit high lands had been crossed, the *portages* made, and the stream leading to lake Megantic descended. The fact is established by two intercepted letters of Arnold. They were entrusted to an Indian; whether he was taken prisoner, or gave up the letters to persons in authority, is not known. Both were dated the 13th of October from Dead river. One was to a John Mercier, stating that Arnold was on the march to Quebec with 2,000 men to co-operate with Schuyler, and that he looked for assistance from their brethren in Canada, as the expedition had been undertaken at the request of many of the principal inhabitants. The second letter was to Schuyler reporting the progress he had made.

On the 27th, the expedition had reached the Chaudière pond, as it was then called. From this point Arnold wrote to Washington. After passing through lake Megantic, a stretch of water sixteen miles in length, with an average

* Ante, Vol. III., p. 192.

breadth of two miles, he reached the Chaudière, and on undertaking the descent of some of the first rapids, three *bateaux* laden with provisions and ammunition, owing to bad pilotage or mismanagement, were sunk. The consequence was that the men suffered from shortness of provisions. The division of colonel Enos had been left in the rear. Evidently his numbers had been increased by those who were invalid, ailing, and unable to go forward. Arnold sent him instructions to send back the "sick and feeble;" and those of his command who could be supplied with fifteen days' provisions were to join Arnold. Enos either misconstrued his orders, or was unable to carry them out from the want of provisions, and he returned with his division down the Kennebec. This proceeding has been called "Enos' desertion." He was tried for so acting, but was honourably acquitted. The inference is, that his force consisted entirely of men who had succumbed during the expedition, Arnold having moved forward with all who were in good condition.

From the reduced state of its supplies, the expedition was threatened with privation; consequently, Arnold, dividing what provisions remained, with a small number of men descended the Chaudière to the last Canadian settlement from the Saint Lawrence, situated at a short distance from the junction of the tributary, the river du Loup, with the Chaudière "Sertignan," otherwise known as the "Touffe aux Pins." He arrived here on the night of the 30th. He was received most hospitably, and, early next morning, a supply of fresh provisions, flour and oxen was sent to the detachment that had remained at the Upper Chaudière. The few hours of straitened supply were now ended, and a rapid, unembarrassed descent of the river was effected. On the 4th of November, the remainder of the force reached Sertignan; on the 8th, they arrived at Point Levis opposite Quebec. They had therefore taken forty-two days from leaving fort Halifax on the Kennebec to reach Point Levis.

The stories of the hardships which were endured may be rejected as fables. There may have been a snowstorm on

the mountains for a few hours, but it passed away. It is a season, also, when there is much rain; but, in the main, October is a remarkably fine month, and anyone with any knowledge of Canadian meteorology can only laugh at the description of the snow-covered mountains at this season. Even north of the Saint Lawrence, one hundred miles below Quebec, snow seldom appears on the mountains to remain there before "la Sainte Catherine," the 25th of November. The early days of that month in Quebec are generally fine weather, and it is only of few hours' duration when such fails to be the case. Some idea may be formed of these complaints when we find Thayer, in his journal, recording on the 28th of September that "it begins to be cold and uncomfortable." The season, indeed, is one of the most enjoyable of the year to men in health and properly clad. Nor was there continued shortness of food. Arnold made no such report in his letter either to Washington or to Montgomery. On Arnold's descent of the Chaudière on the 30th, he left the troops with a limited stock of provisions, and we have his own words, that, on the morning of the 31st, parties started with a liberal supply for their relief. Had the *habitants* on the Chaudière refused to assist the congress troops, the case would have been different. Arnold's party would have been in a desperate condition; but the French Canadians looked upon the British cause as lost, and gave the invaders every assistance. Indeed, they acted as if they believed that there was no refuge for them but in the acceptance of Arnold's force, as the advance guard of their future rulers.

Arnold established himself at Point Levis to recruit the strength of his men. They were about 800 in number. From being unused to the duty they had performed, several had suffered from the fatigue of ascending the river and from the labour of the *portages*, and from what was to many a privation, insufficiency of good food, with exposure to rain and damp. He found the canoes removed from Point Levis and from the island of Orleans. The fact suggested to him that his presence was known, and preparation made to

receive him; consequently, he hesitated to make any attack without Montgomery's co-operation. On the 8th, Arnold wrote from his camp at Saint Marie, two and a half leagues from Point Levis. He then stated that he had been joined by forty Indians and had there under his control twenty birch canoes. All the Canadians had received him with extreme friendliness. He had been informed that two frigates and several armed vessels were at Quebec, and that 150 recruits had arrived from St. John's, Newfoundland, the last Sunday, the 5th. The French and English inhabitants were all on the side of congress, and he expected the city would soon fall into their hands. A letter of the same character was sent to Washington.*

Berthelot tells us that the news of Arnold's advance † reached Quebec, when he was two miles from Point Levis; the lieutenant governor Cramahé had therefore time to take possession of the boats and small craft on the opposite shore and at the island of Orleans. Without this impediment to Arnold's crossing the river, the probability is he would have entered the city with little opposition. It is said that one Williams ascended the pulpit in the Bishop's chapel and made a long address in favour of giving up the place. Colonel Maclean, who had arrived on the 12th, on proceeding to the upper town, heard of the meeting and entered the church. He caused Williams to discontinue his address and descend from the pulpit, and his appeal was effectual in preventing this cowardly advice being accepted.

There were in the first instance great disquietude and alarm in the city, for it was poorly provided with the means of defence. The only force was that of Maclean, who had arrived with one hundred men of his newly raised corps and one hundred recruits for his regiment raised in Newfoundland by captain Campbell and Malcolm Frazer, lately landed; with some sixty young soldiers of the 7th fusiliers. There were present, however, the two war ships the "Lizard"

* Can. Arch., Q., II, pp. 329-331.

† Verrault, p. 235.

and "Hunter." A council of war was called ; it was resolved without a dissentient voice that the ships should winter in Quebec, and the crews be taken to increase the garrison, and the place be defended to the last. An embargo was laid upon all the ships in port, many of which were on the point of sailing; their seamen were enrolled with the other troops. The inhabitants were called upon to aid in the general resistance. At the commencement, the French Canadians were somewhat lukewarm, but, as the British set the example of doing their duty, they came forward readily. About 330 men were thus obtained, with the determination of resolutely opposing the threatened attack.

Arnold crossed the river on the 14th of November, landing at Wolfe's cove and established himself at Sillery. On the same day he sent a messenger to the city, demanding its surrender. The letter was delivered. On the following morning he again wrote to Cramahé complaining that his flag had been fired upon : he received, however, no answer to his communications. Arnold remained some few days at Sillery, but being without artillery, and fearing that he would be attacked from the city, he resolved to retreat to point aux-Trembles, twenty miles east of Quebec, and await Montgomery's arrival. He had arrived only a short time at this place when Carleton passed on his way to Quebec, on the 19th.

Such was the position of the province of Canada at the close of November, 1775. The only scrap of territory which remained under British rule was the city of Quebec within the ramparts. The troops of congress held the forts of Saint John's and Chamblay: they were in possession of the city of Montreal, which had submitted to their authority, and Three Rivers had accepted the new rule. The country parishes were not in every respect satisfied, but any hostility which existed in those localities in no way gave ground for any serious anxiety. There was a strong loyalist party among the French Canadians, but the great body of them had given no aid in the defence of the country. South of the Saint Lawrence, the majority had taken part with Montgomery's

troops, and in the neighbourhood of Montreal they had been indifferent and lukewarm even when service was accepted by them. The general feeling may be described, that, for the most part, they looked on to see which was the stronger side. This was the more remarkable since there was a traditional hatred of the "Bastionnois," as the congress troops were called, and there was little doubt that every institution of the past was threatened by their success.

The fact is a curious commentary on the political cry so long the shibboleth of French Canadian political orthodoxy, "*notre langue, nos institutions, et nos lois.*" It is not heard so much nowadays, except from young and ambitious politicians desirous of flattering the prejudices of their countrymen, by the cant of extolling to the verge of folly what to-day would be found to be insupportable. Three quarters of a century back it was the accepted key-note of political fidelity. In 1775, it was the very dread of reverting to those institutions, of having again to submit to the arrogance and power of the *seigneurs*, and the exacting authority of a dominant church, which led so many French Canadians to accept the promises made by the invaders, of a future assured condition of liberty and freedom; the two words constantly prominent in the speech and writings of the advocates of the revolution. It may, however, be safely affirmed that there was never greater tyranny than that exercised by the majority who advocated independence. At no time, was mercy shewn to any one attached to the connection with the mother country. The number of those professing these opinions in the old provinces was still large, and earnest in feeling; but overpowered by the outrages of the mob, paralyzed from want of leaders, with no rallying point, without organized means of resistance, without strength to vindicate their opinions, they were subjected to unceasing persecution. There was no one to call out this latent strength, and no effort was made by the imperial government to aggregate and direct it. On the other side all was vigour and effort, while intimidation was incessantly exercised, and the political agitation was unremittingly persevered.

in. There was a constant appeal to the glaring wrong and injustice which the people were told they suffered, and artifice and violence were constantly practised to advance the cause of the revolution.

The French Canadians became dupes to this pretension. They had enjoyed British liberty for sixteen years, and had learned to treasure the political rights, which, for the first time in their history, they had possessed. There was no grievance of which they complained; they had become prosperous and comparatively rich. It was not resentment of any past injustice, but the fear of coming wrong which had arrayed them against the flag to which they owed allegiance. They had been made to believe that the government would revert to the ancient system they had groaned under before the conquest. What was stranger still in the character of their hostility was, that the agitators who had called forth this disloyal feeling, by their constant misrepresentation as to the influence of the Quebec act, were those who were prepared to sacrifice the French Canadians in every relation of life. It must never be forgotten, that they had demanded the legislature should be formed from the few hundred protestants bent on destroying the language, laws and religion of the new subjects, while the British government had unflinchingly acted on the principle, that it would be a gross injustice to consider the question in any other light than as one on which the great majority of the Canadians should themselves adjudicate. This paternal care of the new subject was primarily the wrong complained of by the English speaking inhabitants, and was the cause that many of them acted in open hostility. Notwithstanding this assumed grievance on their side, by cunning and misrepresentation they succeeded in leading many of the French Canadians to accept their view, that a wrong had been done to the province by the Quebec act, of which the effect would be to throw the government, as of old, into the hands of the *seigneurs*, and that the *habitants* would themselves drift back to the oppressive times of *corvées*, compulsory service, and the harsh features

of former days. Had the English speaking minority been suffered to act as oppressors, as far as they were capable, they would have been loyal defenders of the government which conceded the right of persecution.

That the few men who accompanied Montgomery were enabled to conquer Canada, with the exception of Quebec, and hold the country for six months, would be inexplicable, but for the facts that I have given. There were only nine hundred regular troops, for the defence of the whole province. Among the English speaking population, there was a feeling of active sympathy with the cause of congress. The Canadian *habitants* generally were neutral, or favoured the invaders. There was a strong party among them loyal to British institutions as they had been established; especially the ecclesiastics, and the higher and professional classes. They possessed, however, but little influence.

It is simply a duty to record that this feeling passed rapidly away, and never again obtained activity. During the period of the whole struggle, the French Canadians remained attached to the British government, and no encouragement was given for a second invasion of the province. It is true that the weight of the contest in the colonies called forth all the efforts of the troops of congress in New York and in the south; but the probability is, that had the opportunity again presented itself to have detached Canada from its connection with Great Britain, the attempt would have been made.

Carleton saw all the difficulty of the situation in which he was placed. He wrote to Dartmouth, that he found during his absence everything possible had been done for the defence of Quebec. If the people in the town and the seamen could be depended upon, the place could hold out; but there were so many traitors within, that it was doubtful, to say nothing worse.

A vessel left Quebec carrying the news to England, with the resolution that it had been determined to defend the place to the utmost. One line of conduct was followed by Carleton

* Can. Arch., Q., II, p. 318.

which Cramahé had hesitated to take, notwithstanding that repeated representations had been made to him of the disloyalty of certain men. Such as these were ordered by Carleton immediately to leave the town. On their departure the cabals ceased, and there was a common desire of all who remained, to do their duty regardless of any personal privation or exposure to hardship.*

The narrative of the months of humiliation which Canada endured from the conquest of the province by a few hundred of the troops of congress, the wrong the province suffered by forced requisitions of provisions paid for in worthless paper money, the outraged pride of a people treated as an inferior race by those who had marched into it as conquerors, will be incomplete unless an endeavour be made to penetrate the causes owing to which Canada underwent this degradation.

Three independent causes may be mentioned. The first, the imbecile policy followed by the ministry of lord North, putting out of view the necessity of garrisoning the province. While Boston was filled with troops, to remain cooped up in the town to fail in all they undertook, to remain idle and without account in the convulsions of the continent, Canada was left perfectly exposed to invasion. Nevertheless, such was the ignorance of the condition of the province that it was proposed to raise 6000 recruits from a population, of whom but a few score would pull a trigger in the defence of their own homes.

This deplorable mistake might have been rectified if an admiral other than Graves had been at Boston. His refusal to furnish transports for the force asked for by Carleton was a scandalous disregard of duty not to be explained away. We have only to conceive that if the schooner "Success," in October, instead of bringing Howe's indignant explanation

* Colonel Caldwell says on this point in his letter of 15th June, 1776, supposed to be addressed to general Murray (Hist. Soc., Quebec, p. 6): "The Bonfields left the town on that occasion, Wells, Zachary McCauley, Murdoch Stewart, John McCord and several others, amongst whom were four or five of the militia officers appointed by Cramahé."

of his inability to furnish the troops, had been accompanied by transports carrying two British regiments, how different would have been the result at Saint John's. As fast as boats could have been propelled by oars, they would have ascended to Sorel, and by the river Richelieu to Saint John's. In a few hours Montgomery's force would have been driven into lake Champlain, or would have surrendered as prisoners of war. It must ever remain the epitaph of Graves that his timidity, and want of proper conception of what he owed to his country, led to the misfortunes of Canada in the winter that ensued; conduct on his part never to be forgotten or forgiven. But, even with this shortcoming, a chance remained that Montgomery would have failed in his enterprise, and on the approach of winter have abandoned the siege. That he remained to effect the surrender of the fort was through the cowardice of major Stopford at Chambly, who by his surrender placed in Montgomery's possession powder and provisions, by which the offensive operations could be continued.

It was, indeed, fortunate for Canada, that a man of Carleton's genius was at the head of affairs. He saw the true key of the situation was the possession of Quebec. So long as there was hope that the then western part of Canada could be held, he remained at his post. It was only with difficulty he arrived at Quebec, to inspire with fortitude and decision the few who remained within its walls. It was the fourth siege which Quebec underwent; Phips, Wolfe and de Lévis had at the several periods led an array against it. In no one instance were the operations of less importance. The possession of Quebec during the winter of 1775-1776, was to determine who was to be the future master of Canada. Held by the congress troops during the winter, under a soldier so distinguished and experienced as Montgomery, it is hard to tell what would have been the fate of the fortress, if attacked in the ensuing spring, by the reinforcements which arrived from England.

It is mere speculation to consider what the result would

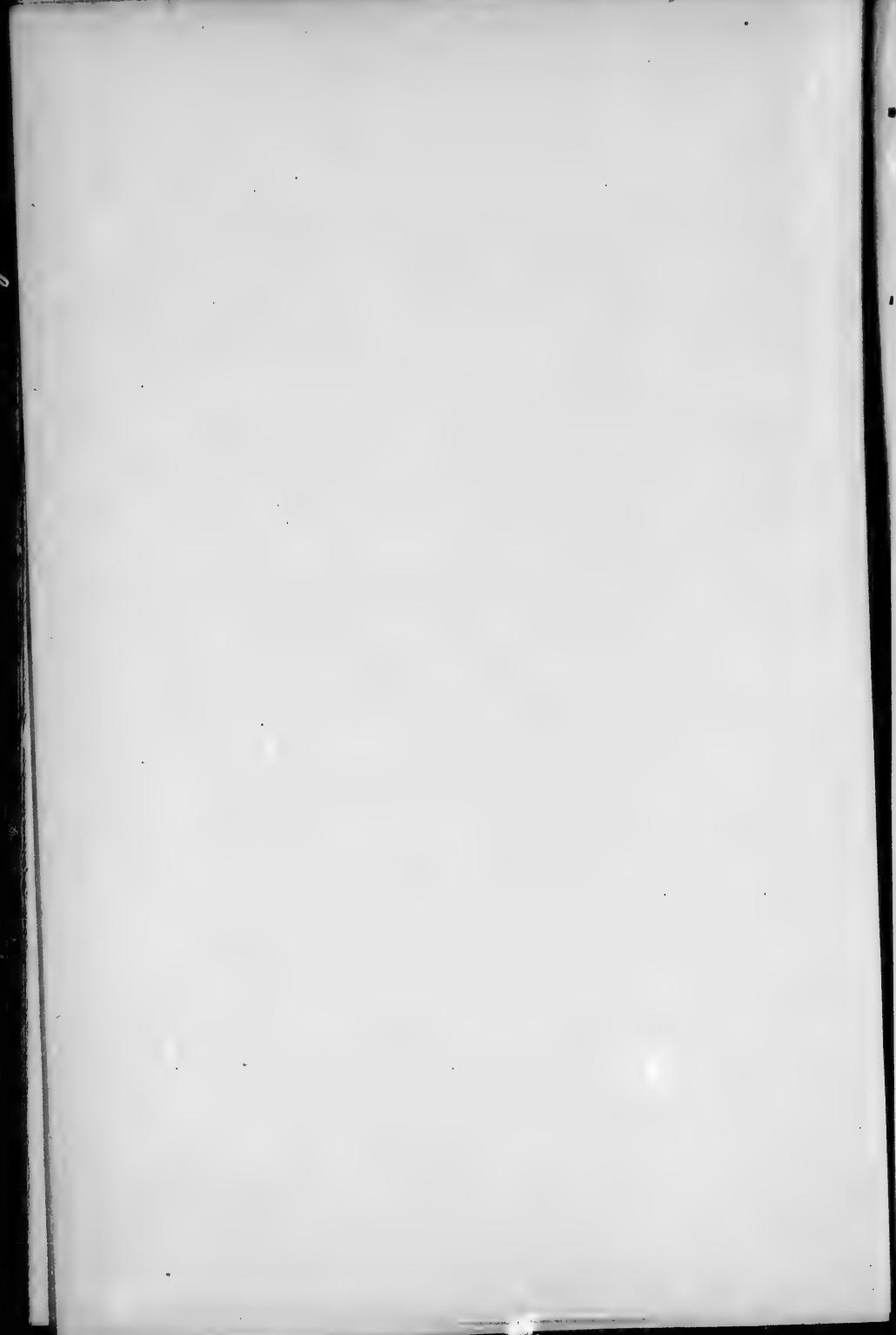
have been; but it may be said, the contest before its walls would have greatly influenced events. Carleton shewed his judgment in acting only on the defensive. He soon learned to despise his enemy, for Arnold was only formidable when his personal courage could act as an example. It was his sole military merit. His passive attitude before the walls of the city only led Carleton to count the days to the time when he would drive the ill-disciplined force before him like a flock of sheep. So long as the British standard stood on the walls, he knew that that day would come; and hence his effort to live through the winter in irresistible strength, so that, when the earth in spring had renewed her youth,* he could purge the province of its invaders, and restore the pre-eminence of Great Britain in all its power.

* O, lass den Kaiser Friede, machen Vater !
Den blut'gen Lorbeer geb' ich hin mit Freuden
Fürs erste Veilchen, das der März uns bringt,
Das duftige pfand der neuverjüngten Erde.

Schiller : Die Piccolomini.

Oh, let the emperor make peace, my father,
The bloodstained laurel would I give with joy
For the first violet which spring will bring,
The perfumed pledge, earth has renewed her youth.

END OF VOLUME V.



The following is the English text of Washington's proclamation confided to Arnold. It is taken from *The Writings of George Washington*, collected by Worthington Chauncey Ford, 1889. Vol. III., pp. 126-127.

TO THE INHABITANTS OF CANADA.

FRIENDS AND BRETHREN :

The unnatural contest between the English colonies and Great Britain has now risen to such a height, that arms alone must decide it. The Colonies, confiding in the justice of their cause, and the purity of their intention, have reluctantly appealed to that Being, in whose hands are all human events. He has hitherto smiled upon their virtuous efforts, the hand of tyranny has been arrested in its ravages, and the British arms, which have shone with so much splendor in every part of the globe, are now tarnished with disgrace and disappointment. Generals of approved experience, who boasted of subduing this great continent, find themselves circumscribed within the limits of a single city and its suburbs, suffering all the shame and distress of a siege, while the free-born sons of America, animated by the genuine principles of liberty and love of their country, with increasing union, firmness, and discipline, repel every attack, and despise every danger.

Above all we rejoice that our enemies have been deceived with regard to you. They have persuaded themselves, they have even dared to say, that the Canadians were not capable of distinguishing between the blessings of liberty, and the wretchedness of slavery ; that gratifying the vanity of a little circle of nobility would blind the people of Canada. By such artifices they hope to bend you to their views, but they have been deceived ; instead of finding in you a poverty of soul and baseness of spirit, they see with a chagrin, equal to our joy, that you are enlightened, generous, and virtuous ; that you will not renounce your own rights, or serve as instruments to deprive your fellow subjects of theirs. Come then, my brethren, unite with us in an indissoluble union, let us run together to the same goal. We have taken up arms in defence of our liberty, our property, our wives, and our children ; we are determined to preserve them, or die. We look forward with pleasure to that day, not far remote, we hope, when the inhabitants of America shall have one sentiment, and the full enjoyment of the blessings of a free government.

Incited by these motives, and encouraged by the advice of many friends of liberty among you, the grand American Congress have sent an army into your province, under the command of general Schuyler, not to plunder, but to protect you ; to animate, and bring into action those sentiments of freedom you have disclosed, and which the tools of despotism would extinguish through the whole creation. To co-operate with this design, and to frustrate those cruel and perfidious schemes, which would deluge our frontiers with the blood of women and children, I have detached Colonel Arnold into your country, with a part of the army under my command. I have enjoined it upon him, and I am certain that he will consider himself, and act, as in the country of his patrons and best friends. Necessaries and accommodations of every kind, which you may furnish, he will thankfully receive and render the full value. I invite you therefore as

friends and brethren, to provide him with such supplies as your country affords ; and I pledge myself, not only for your safety and security, but for an ample compensation. Let no man desert his habitation ; let no one flee as before an enemy.

The cause of America, and of liberty, is the cause of every virtuous American citizen ; whatever may be his religion or descent, the United Colonies know no distinction but such as slavery, corruption, and arbitrary dominion may create. Come, then, ye generous citizens, range yourselves under the standard of general liberty, against which all the force and artifices of tyranny will never be able to prevail.

GEOGE WASHINGTON,

The following proclamation was issued by Wooster, shortly after his appointment to the command at Montreal. As I can learn of no English example, I append it in French, in which language it was issued.

AUX HABITANTS DE LA PROVINCE DE CANADA.

"AMIS ET COMPATRIOTES,

"Notre précédente adresse vous a démontré nos droits, nos griefs, et les moyens que nous avons en notre pouvoir et dont nous sommes autorisés par les constitutions britanniques à faire usage pour maintenir les uns et obtenir justice des autres.

"Nous vous avons aussi expliqué que votre liberté, votre honneur et votre bonheur sont essentiellement et nécessairement liés à l'affaire malheureuse que nous avons été forcés d'entreprendre pour le soutien de nos privilégiés.

"Nous voyons avec joie combien vous avez été touchés par les remonstrances justes et équitables de vos amis et compatriotes qui n'ont d'autres vues que celle de fortifier et d'établir la cause de la liberté.

"Les services que vous avez déjà rendus à cette cause commune méritent notre reconnaissance et nous sentons l'obligation où nous sommes de vous rendre le réciproque.

"Les meilleures causes sont sujettes aux événements, les contre-temps sont inévitables, tel est le sort de l'humanité,—Mais les âmes généreuses qui sont éclaircies et échauffées par le feu sacré de la liberté, ne seront pas découragées par de tels échecs et surmonteront tous les obstacles qui pourront se trouver entre eux et l'objet précieux de leurs vœux.

"Nous ne vous laisserons pas exposés à la fureur de vos ennemis et des nôtres. Deux bataillons ont reçu ordre de marcher en Canada—dont une partie est déjà en route, on lève six autres bataillons dans les Colonies-Unies pour le même service—que partiront pour votre province aussitôt qu'il sera possible, et probablement ils arriveront en Canada avant que les troupes du Ministère sous le Général Guy Carleton puissent recevoir des secours. En outre nous avons fait expédier les ordres nécessaires pour faire lever deux bataillons chez vous. Votre assistance pour le soutien et la conservation de la liberté américaine nous causera la plus grande satisfaction, nous nous flattons que vous saisierez avec zèle et empressement l'instant favorable de coopérer au succès d'une entreprise aussi glorieuse. Si des forces plus considérables sont requises—elles vous seront envoyées. A présent vous devez être convaincus que rien n'est plus propre à assurer nos intérêts et vos libertés que de prendre des mesures efficaces pour combiner nos forces mutuelles—afin que par cette réunion de secours et de conseils nous puissions éviter les efforts et l'artifice d'un ennemi qui cherche à nous affoiblir en nous divisant. Pour cet effet, nous vous conseillons et vous exhortons d'établir chez vous des associations en vos différentes paroisses de la même nature que celles qui ont été si salutaires aux colonies-unies d'élire des députés pour former une assemblée provinciale chez vous, etc que cette assemblée nomme des délégués pour vous représenter en ce Congrès.

"Nous nous flattions de toucher à l'heureux moment de voir disparaître de dessus cette terre l'étendard de la tyrannie—et nous espérons qu'il ne trouvera aucune place dans l'Amérique Septentrionale.

"Signé au nom et par ordre de Congrès.

"JOHN HANCOCK, Président.

"A Philadelphia le 24 Janvier, 1776."

[Verreault, I., p. 99.]

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